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Security Council

Seventy-second year

Provisional

7960th meeting
Wednesday, 7 June 2017, 10 a.m.
New York

President:	Mr. Llorentty Soliz	(Bolivia (Plurinational State of))
Members:	China	Mr. Li Yongsheng
	Egypt	Mr. Moustafa
	Ethiopia	Ms. Guadey
	France	Mrs. Gueguen
	Italy	Mr. Cardi
	Japan	Mr. Akahori
	Kazakhstan	Mr. Tumysh
	Russian Federation	Mr. Zagaynov
	Senegal	Mr. Ciss
	Sweden	Ms. Schoulgin Nyoni
	Ukraine	Mr. Vitrenko
	United Kingdom of Great Britain and Northern Ireland	Ms. Mulvein
	United States of America	Ms. Sison
	Uruguay	Mr. Rosselli

Agenda

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994

Letter dated 17 May 2017 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council (S/2017/434)

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Letter dated 17 May 2017 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council (S/2017/436)

The meeting was called to order at 10.05 a.m.

Tribute to the memory of the victims of terrorism in Tehran

The President (*spoke in Spanish*): On behalf of the members of the Security Council, I vigorously condemn the atrocious terrorist attack committed in Tehran. The members of the Security Council express their deepest condolences to the families of those who have lost their lives and their solidarity with the people and Government of the Islamic Republic of Iran.

The members of the Security Council observed a moment of silence.

Adoption of the agenda

The agenda was adopted.

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

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The President (*spoke in Spanish*): : In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Bosnia and Herzegovina, Croatia and Serbia to participate in this meeting.

On behalf of the Council, I welcome His Excellency Mr. Davor Ivo Stier, Deputy Prime Minister and Minister for Foreign and European Affairs of the Republic of Croatia. I request the Protocol Officer to escort him to a seat at the Council table.

Mr. Davor Ivo Stier, Deputy Prime Minister and Minister for Foreign and European Affairs of the Republic of Croatia, was escorted to a seat at the Council table.

The President (*spoke in Spanish*): In accordance with rule 39 of the Council's provisional rules of procedure, I invite the following briefers to participate in this meeting: Judge Carmel Agius, President of the International Tribunal for the Former Yugoslavia; Judge Theodor Meron, President of the International Residual Mechanism for Criminal Tribunals; and Mr. Serge Brammertz, Prosecutor of the International Tribunal for the Former Yugoslavia and Prosecutor of the International Residual Mechanism for Criminal Tribunals.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2017/434, which contains the text of a letter dated 17 May 2017 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council. I also wish to draw the attention of members to document S/2017/436, which contains a letter dated 17 May 2017 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council.

I now give the floor to Judge Agius.

Judge Agius (*spoke in Spanish*): At the outset, allow me to congratulate you, Sir, on your assumption of the presidency of the Security Council and to thank you for the support given to the Tribunal.

(*spoke in English*)

It is both an honour and a privilege to once again address the Security Council in my capacity as President of the International Tribunal for the former Yugoslavia, which just two weeks ago commemorated 24 years since its establishment by the Council pursuant to

resolution 827 (1993). As Council members are aware, the Tribunal will close its doors on 31 December. This is therefore one of the last occasions I will have to address this body, and I am here today to present the Tribunal's penultimate completion strategy report (S/2017/436, annex II).

Beginnings and endings are one shared aspect of the human experience across the great diversity of peoples and cultures of the world. Endings provide us with a chance to reflect on achievements and challenges alike, as well as on how far we have come. While the Tribunal remains on track to complete the mandate it was given by this body many years ago, back in 1993, there are significant obstacles that require the urgent attention of the Council. In the Tribunal's final year, we are all the more aware of the legacy that we share with the Security Council and of what will be written in the last pages of the Tribunal's history. Any unfinished business will remain a disturbing footnote in an otherwise successful — indeed, groundbreaking — attempt to hold persons accountable for the most heinous crimes that can be imagined. History will certainly judge us.

In relation to the remaining judicial workload, the Tribunal has made considerable progress towards completing the final trial and appeal proceedings. At trial, the case of *Prosecutor v. Ratko Mladić* remains on schedule and the Trial Chamber is fully engaged in deliberations and drafting of the judgement. Similarly, on appeal, the case of *Prosecutor v. Prlić et al.* is on schedule, with the Appeals Chamber in full deliberations and judgement-drafting mode. Judgements in both cases are planned to be delivered in November, as previously forecast.

As outlined in the completion strategy report, the Registry continues to provide full support to the Tribunal's judicial activities through the effective management of various sections, such as those concerning communications and outreach, victims and witnesses, conference and language services, as well as the United Nations Detention Unit, which runs a programme in line with or exceeding international humanitarian standards and is visited and monitored by the International Committee of the Red Cross on a regular basis.

The Tribunal, however, continues to face serious challenges. In the pending contempt case against Petar Jojić, Vjerica Radeta and Jovo Ostojić, the Republic of Serbia has failed to comply with its duties under the Tribunal's statute by refusing to cooperate with the Tribunal and to execute the arrest warrants of the accused that were issued almost two and a half years ago — I repeat, almost two and a half years ago. I remind the Security Council that I have raised this issue on a number of occasions — in my address of 8 June 2016 to this Council (see S/PV.7707) and to the General Assembly on 9 November 2016 (see A/71/PV.44), as well as in the Tribunal's completion strategy reports of May and November 2016 (S/2016/454, annex II, and S/2016/976, annex II)). More recently, I formally reported the Republic of Serbia's non-compliance in my letter of 1 March 2017 to the then-President of the Security Council.

I must emphasize once more that the charges against these individuals are extremely grave and that any interference with the Tribunal's witnesses undermines the nature and effective functioning of a judicial institution, especially one established by this very Council. Such allegations must be swiftly adjudicated. To speak plainly, the Republic of Serbia is in violation of its international obligations every day that these arrest warrants and orders for transfer are not executed. The Security Council has the capacity to tackle this issue, and it is imperative that it take decisive action.

Time is of the essence for the Tribunal to adjudicate these contempt proceedings before the end of its mandate, and they will — concluded or not — be an element of the shared legacy of the Tribunal and the Council, and of the efforts of the United Nations to end impunity. The Tribunal was created by the Security Council as part of these efforts, and the alleged interference with witnesses must not — indeed, cannot — go unanswered. We are ready and willing to try these individuals if they are delivered to The Hague, but we await the Council's urgent action. Let me be clear. I do not play games. As I have demonstrated throughout my presidency, I do what I say and I say what I mean. Neither I nor anyone at the Tribunal seeks to use this case to prolong the Tribunal's life.

Turning to other challenges, despite the fact that we are optimistic about completing all judicial work by 31 December, I must warn once again that the Tribunal continues to struggle to retain staff. Staff attrition will, in the final six months, pose a substantial — indeed, critical — threat to our ability to complete the remaining work on time. Although the Tribunal has done everything it can to retain staff, key staff members are leaving for more stable and long-term employment

elsewhere in light of the Tribunal's imminent closure. This does not call their loyalty into question, but reflects the simple reality that our staff members seek a continued livelihood beyond 31 December.

I take this opportunity to publicly acknowledge all the staff members and Judges of the Tribunal — one of whom is present here next to me — and to thank them for their outstanding work and dedication. Our talented staff members are integral to the Tribunal's ability to function, and it is only through much personal sacrifice on their part that we are making strong progress in the remaining cases and will be able to complete all work before our closing date. The Tribunal is deeply grateful for their service on behalf of international justice. Incentives to retain staff would enable us to ensure that our mandate is completed in an optimal manner. The Tribunal urgently needs the support of the United Nations in that regard.

In addition to the judicial workload, the Tribunal's liquidation efforts are continuing full-steam as we approach our end date. Those efforts include the scheduled downsizing of staff at various times throughout this year; the disposal or sale of Tribunal assets; the transfer or finalization of all commercial and non-commercial contracts; the disposition of all physical and digital records; and the handing over of any residual activities to the International Residual Mechanism for Criminal Tribunals. I can assure all Member States that the Tribunal remains committed to a timely and efficient liquidation process and to learning from the experience of the International Criminal Tribunal for Rwanda.

Finally, I turn to the Tribunal's legacy, which, as I noted at the outset, will be shared by the Security Council. The last year of the Tribunal's operations presents a unique opportunity to ask what our enduring legacy will be, as well as to cement that legacy by engaging with those most impacted by the Tribunal's work, and ensure that it will continue to have an impact in the future. For those reasons, while the primary focus is on concluding the remaining judicial work and a successful liquidation, the Tribunal is this year hosting a number of legacy and closing events designed to mark the end of a historic chapter in international criminal justice and to enable others to build upon the Tribunal's achievements and experience. Those events are completely reliant upon external funding. I wish to publicly acknowledge Austria, Finland, Germany, Italy, my own country of Malta, the Netherlands, Switzerland and, last but not least, the European Union, which have pledged funds and support thus far.

It is to that end as well that the Tribunal is involved in an ongoing project of establishing information centres within the region of the former Yugoslavia, as requested by the Council in resolution 1966 (2010). By providing local access to the Tribunal's public records and information about the Tribunal's work, the centres will play an invaluable role in continuing the legacy of the Tribunal in the region. The first information centre will open in Sarajevo, Bosnia and Herzegovina, and the Tribunal has re-initiated discussions with Croatia to establish a similar centre in Zagreb. Those discussions are at an advanced stage. The setting up of a third centre, in Srebrenica-Potocari, is awaiting the signing of a memorandum of understanding. It is my hope, and that of the Tribunal in general, that an information centre will also be established in Belgrade, Serbia.

As we look to the closure of the ICTY, in only a few short months, and to the Tribunal's final annual and completion strategy reports, we can be immensely proud of what we have achieved together since those early days in 1993. No institution can restore what was lost in the Yugoslav wars, or undo the terrible crimes committed during them. However, the Tribunal has demonstrated that, when the international community has the will to cooperate and to stand for what is right and just, those responsible for the most egregious violations of international humanitarian law can be held to account.

I ask that all members of the Security Council continue to stand for what is right and to support the Tribunal in the last six months of its life. We cannot conclude our mandate without the Council.

The President (*spoke in Spanish*): I thank Judge Agius for his briefing.

I now give the floor to Judge Meron.

Judge Meron: It is my great pleasure today to brief the Security Council once again on the progress of the International Residual Mechanism for Criminal Tribunals in the implementation of its mandate, and to do so under the presidency of Bolivia. I wish Bolivia great success in its leadership of the Council during this month. I would also like to express my congratulations to the incoming members of the Security Council, with whom I very much look forward to working over the coming period.

I also wish to take this opportunity to express my sincere gratitude to the Council's Informal Working Group on International Tribunals for its considerable support and attention paid to the Mechanism. I am particularly appreciative of Uruguay's skilled and able leadership of the Group.

Finally, I would be remiss if I did not acknowledge the sustained and sustaining support provided to the Mechanism by the Office of Legal Affairs under the outstanding leadership of Under Secretary-General for Legal Affairs and United Nations Legal Counsel Miguel de Serpa Soares and Assistant Secretary-General for Legal Affairs Stephen Mathias. I remain deeply grateful to them and to their colleagues for all of the assistance they provide to the Mechanism.

During my presentation today I will not refer to those matters fully addressed in my written report submitted on 17 May of this year (see S/2017/434, annex I), but will simply draw members' attention to some of the most salient issues and several important developments since the filing of the report.

Before I turn to my update on the work of the Mechanism, I would first note that, since I last appeared before the Council (see S/PV.7829), upon his appointment by the Secretary-General, Mr. Olufemi Elias joined the Mechanism as Registrar on 1 January. Mr. Elias has been working closely with colleagues at the International Tribunal for the Former Yugoslavia (ICTY) to ensure that the Mechanism is ready to take responsibility for all remaining functions of the ICTY. In that respect, I fully anticipate that the Mechanism will be entirely self-sufficient, including in terms of its administrative capabilities, upon the closure of the ICTY at the end of this year.

Turning to the Mechanism's core judicial work, I am very pleased to inform the members of the Council that, on the whole, the Mechanism continues to make excellent progress in the handling of its judicial work and is indeed seeing a steady increase in judicial work over time. In 2012, the Mechanism rendered 25 decisions and orders; in 2013, it rendered 79; in 2014, it rendered 192; in 2015, it rendered 209; and in 2016, 405 decisions and orders were issued. As of 1 June 2017, 146 decisions and orders have been issued. I should note that, in carrying out their judicial work, the judges are directly supported by a very small group of approximately 25 legal and administrative Chambers staff — spread over the two Branches of the Mechanism and working as a unified team, fully in line with the Council's vision of the Mechanism as one institution.

A number of the rulings from the current reporting period were issued in the major trial and appeal cases currently before the Mechanism. In that respect, I am pleased to report that the retrial in the cases *Prosecutor v. Jovica Stanišić and Franko Simatović* is scheduled to commence next week at The Hague Branch of the Mechanism. The beginning of that trial — the first trial for the Mechanism — represents an important milestone.

The briefings in the appeal cases *Prosecutor v. Radovan Karadžić* and *Prosecutor v. Vojislav Šešelj* were completed in the course of the reporting period, and preparations for appeal hearings in those caes is progressing rapidly. All the judges on those cases, with the exception of myself, continue to work remotely and will be called to the seat of the Mechanism when the cases are ready for hearing. Updated projections with regard to the rendering of a judgment in both cases are set forth in my report.

I should underscore that the judicial work of the Mechanism is not limited to the major cases I just identified. Indeed, the Mechanism is regularly seized of requests relating to everything from allegations of contempt and challenges pertaining to the non bis in idem principle, to motions seeking a review of judgement, applications for early release and requests for access to confidential information. For the most part, those matters are assigned to single judges working remotely and constitute a substantial portion of the Mechanism's judicial activity.

A significant number of those requests are made by national authorities or others engaged in proceedings in national jurisdictions who are seeking access to confidential materials or information held by the Mechanism. Of the 366 decisions and orders issued between mid-May 2016 and mid-May this year, 164 — or approximately 45 per cent — are related to requests for a variety of protective measures and other motions seeking access to confidential evidence or information. We welcome those requests, which reflect the degree to which national authorities are actively seeking accountability for core international crimes.

A crucial component of those national efforts involves the proceedings that have been referred to national jurisdictions for trial and that are being monitored by the Mechanism, in accordance with its statute. In that area, too, there was important progress

over the reporting period, with a trial judgement being delivered in Rwanda in the *Munyagishari* case and, according to information received following the submission of my written report to the Council, the completion of the judicial investigation in France in the *Bucyibaruta* case.

In sum, the Mechanism is making excellent progress with its judicial work in general, all the while continuing to learn from experience and recalibrating internal practices as necessary to ensure optimal efficiency and economy. However, as members of the Council are aware, substantive proceedings in one case — the *Ngirabatware* case — remain at a standstill due to the continued detention of Judge Aydin Sefa Akay by the Turkish authorities.

As Members are aware, the United Nations Legal Counsel formally asserted diplomatic immunity for Judge Akay in October 2016 and, as I reported to the Council shortly thereafter, the failure to resolve the matter in a manner that respected the privileges and immunities of Judge Akay under article 29 of statute of the International Residual Mechanism for Criminal Tribunals places in jeopardy the integrity of the remote model of judging envisaged by the Council under article 8 of the statute. More fundamentally, the failure to properly resolve the matter undermines the principle of judicial independence — the core principle of any judicial institution that abides by the rule of law.

The situation has been further exacerbated over the course of the year by Turkey's failure to comply, without undue delay, with a judicial order issued by the Mechanism in January 2017 to cease all legal proceedings against Judge Akay and to release him. Instead of complying with binding obligations under Chapter VII of the Charter of the United Nations, domestic trial proceedings against Judge Akay commenced earlier this year and have since been adjourned repeatedly.

In two weeks, Judge Akay will have been in ongoing detention for no less than nine months. By any measure, that is an extraordinarily long period for the resolution of the detention of an international judge, whatever the legal complexities may be. The status quo on the matter is untenable, and I call upon the Council to take such measures as may be necessary to achieve an appropriate resolution to that unprecedented situation, consistent with the Mechanism's statute and with the obligations incumbent upon all States under Chapter VII of the United Nations Charter.

I am pleased to report on important developments at the Mechanism in three other areas.

First, as members are aware, the Council has repeatedly expressed concern as to the ongoing situation of acquitted and released persons, and has called upon States to facilitate progress in that area. In that regard, I am very pleased that, after intensive efforts by the former ICTY Registrar, Mr. John Hocking, in December 2016 two such individuals were relocated to a West African State. I am deeply grateful to that State for its collaboration and commitment in response to the call of the Council.

The number of such persons remaining in Arusha has accordingly declined to 11 individuals. Our new Registrar, Mr. Elias, is focused on achieving further progress in respect of this long-standing humanitarian challenge, both in building on existing relationships with relevant States and exploring new opportunities. I urge Council members to continue to support the Mechanism in its efforts to achieve a full resolution of that difficult situation.

Turning to the enforcement of sentences, I am pleased to note that in May a revised agreement on the enforcement of sentences was concluded with the Government of Benin that reflects best practices in the field and cementing further the strong relationship that Benin and the United Nations have enjoyed over many years.

Meanwhile, with the Government of Senegal, we are in the final stages of the implementation of its decision in principle to accept eight prisoners into cells in Senegal that were refurbished with the support of the United Nations. That new capacity will allow for almost all of the remaining 10 prisoners in the United Nations Detention Facility in Arusha to be considered for transfer to serve their sentences. I am deeply grateful for the broad and generous commitment of both of those Governments to work with the Mechanism in the key area of enforcement of sentences and for the sustained support of other Member States that have likewise been faithful partners in that regard.

Finally, I wish to note the commencement by the Office of Internal Oversight Services of preparatory work for its evaluation of the methods and work of the Mechanism, as mandated by the Council in its resolution

2256 (2015). My colleagues and I look forward to collaborating closely with the Office of Internal Oversight Services in its review of the Mechanism's work practices and to making the evaluation report as valuable a document as possible for the Council and for the Mechanism itself.

Today, we — and particularly the members of the Council — face a number of challenges in the realm of international relations. In a number of quarters, we are witnessing a rise in suspicions and doubts concerning global and regional institutions and undertakings. To some extent, we are witnessing a retreat from the shared vision of what the international community, acting together, can achieve.

In many respects, it may all simply reflect the natural ebb and flow of international affairs. We cannot, however, allow a temporary tide to erode any of the vital progress that the United Nations — and, in particular, the Council — has made over the past quarter of a century in strengthening the rule of law and in ensuring greater accountability under and in accordance with international law. Now, perhaps more than ever, is the time to redouble our efforts in that respect, to learn from and build upon the past and strive for ever greater success going forward.

The President (*spoke in Spanish*): I thank Judge Meron for his briefing.

I now give the floor to Mr. Brammertz.

Mr. Brammertz: I thank you, Sir, for this opportunity to address the Security Council on the International Tribunal for the Former Yugoslavia (ICTY) and the activities of the Mechanism for International Criminal Tribunals in Arusha and The Hague.

My Offices continue to be firmly focused on the same priorities, which are expeditiously completing trials and appeals, locating and arresting the remaining eight fugitives indicted by the International Criminal Tribunal for Rwanda (ICTR) and assisting national jurisdictions in investigating and prosecuting war crimes, crimes against humanity and genocide committed in Rwanda and the former Yugoslavia.

In The Hague, in just a few months, the ICTY will complete its mandate and close its doors. Judgements in the two final cases, already mentioned by the President — *Prosecutor v. Ratko Mladić* and *Prosecutor v. Prlić et al.* — continue to be expected by the end of November. The successful completion of those important cases will be a fitting tribute to the long fight for justice that the Council began in 1993.

During the reporting period, my Office made further significant strides in prosecuting the cases transferred from the ICTY to the Mechanism. We successfully prepared and submitted our written arguments in the *Karadžić* and *Šešelj* appeals. We also continued our pre-trial preparations in the *Prosecutor v. Mićo Stanišić and Stojan Župljanin* case. As the President reported earlier, that trial is expected to commence next week. I can assure the Council that my Office will expedite the presentation of its evidence in that case consistent with our duty to prove the charges beyond reasonable doubt.

At the Arusha branch, no trials or appeals are currently ongoing. However, my Office continued to investigate and litigate proceedings arising out of the ICTR's cases that were concluded. During the reporting period, we also commenced a thorough review of the case files against the three fugitives expected to be tried by the Mechanism so as to be prepared to commence those trials as soon as possible following an arrest.

That brings me to our ongoing efforts to locate and arrest the eight fugitives indicted by the ICTR who remain at large. I would like to underscore our commitment to arresting and bringing those fugitives to justice. The victims of the Rwandan genocide deserve nothing less. There are three major developments on which I would like to report today.

First, during the reporting period, we established two task forces, focused on Africa and Europe respectively, to support our fugitive tracking efforts. Those task forces bring our Office together with a number of key partners, particularly INTERPOL and national law enforcement agencies, in an operational structure that will be flexible and responsive. We would like to express our deep appreciation to the Government of Rwanda and the Secretary General of INTERPOL for their strong support to the establishment of those task forces.

Secondly, as a result of our ongoing review, my Office is transitioning to a structure that is more appropriate to our operational requirements. We will take a more proactive approach to our work, which means pursuing new lines of investigations, including financial and telecommunications. That in turn requires the right investigative and analytical capacity.

Finally, my Office is aware that the window of opportunity to locate and arrest fugitives will not remain open forever. At the same time, we recognize the budgetary constraints facing the United Nations, and the Council's expectations in that regard. Quite simply, we recognize that our efforts to locate the remaining fugitives cannot continue forever. Accordingly, in our 2018-2019 budget, my Office is proposing to temporarily increase our resources with the clear understanding that they are time bound. If we do not demonstrate a track record of success over the coming few years, we will have to consider alternatives, which would include the option of fully transferring responsibility for the fugitives to national authorities. We would be grateful for Security Council support for that proposal.

During the reporting period, my Offices continued to assist national judiciaries prosecuting war crimes, crimes against humanity and genocide in Rwanda and the former Yugoslavia. We are providing access to our evidence collection, assisting colleagues with advice on concrete cases, engaging with counterparts to identify challenges and solutions and monitoring developments at both the country and regional levels.

In terms of our efforts, I would like to report briefly on a few examples. We are committed to deepening our cooperation with tRwandan authorities and strengthening the exchange of information and evidence. Accordingly, during the reporting period, we began planning for improvements in our electronic databases to increase the amount of evidence made available to Rwandan authorities and the ease with which they can access that evidence. We are also now discussing with the Prosecutor General of Rwanda the practical steps we can take to ensure better coordination and communication between our offices.

Just a few weeks ago, and together with the Prosecutor General of Rwanda, we conducted a five-day, intensive skills-based training for prosecutors from Rwanda and other East African countries on the investigation and prosecution of war crimes. Through that kind of peer-to-peer capacity-building and knowledge transfer, we hope to better assist our national colleagues in improving the efficiency and effectiveness of their work.

Finally, later this month, my Office will launch the translation of our publication on the prosecution of conflict-related sexual violence at the ICTY into the Bosnian-Croatian-Serbian language. We further plan to prepare a comprehensive training programme for judiciaries in the former Yugoslavia. We hope that national prosecutors and judges can benefit from our work and achieve greater justice for the victims of sexual violence crimes.

I have previously reported that regional judicial cooperation in war crimes justice in the former Yugoslavia is heading in the wrong direction, and, unfortunately, that is still the case today. My written reports (see S/2017/434 and S/2017/436) provide further details on this and other matters in the area of national war crimes justice.

We hope that the relevant national authorities will give our reports full consideration and undertake concrete steps to resolve the significant issues that we have identified. However, today, I am compelled to report on an issue that must be deeply concerning to this Council and the international community — namely, the ongoing, widespread denial of crimes and refusal to accept facts established by the ICTY and ICTR.

The horrors of the conflicts in the former Yugoslavia and Rwanda are recorded in the Council's deliberations and resolutions. All of us remember the images and reports in the media. In order to establish the facts and hold individuals accountable for their crimes, the Council created the ICTY and ICTR. Over two decades of work, independent and impartial international judges, who ensured fair trials and heard immense bodies of evidence, determined the truth of what happened. After what took place in Rwanda 50 years after the Holocaust, a new generation came to understand the meaning of genocide. As the ICTR established, it is a universally known fact that between 6 April 1994 and 17 July 1994, there was a genocide in Rwanda against the Tutsi ethnic group. The conflicts in the former Yugoslavia taught the world a new vocabulary for the horrors inflicted on innocent civilians: ethnic cleansing. In case after case, the ICTY found that throughout the former Yugoslavia, senior political and military officials implemented criminal campaigns of ethnic cleansing.

After the Council first saw the compelling evidence of mass graves around Srebrenica, my Office proved beyond reasonable doubt that genocide was committed in Srebrenica in 1995 through the execution of more than 7,000 Bosnian Muslim men and boys, while up to 30,000 women, children and elderly were forcibly expelled. Yet today, genocide is denied. Ethnic cleansing

is denied. The individual guilt of senior political and military leaders is denied.

A few days ago, the Minister of Education of the Republika Srpska declared that he would ban textbooks that teach students about the recent past, including about the Srebrenica genocide and the siege of Sarajevo. Those facts are taught in classrooms around the world but not in the country where the crimes were committed. Tomorrow night, a ultranationalist singer who has been banned in several countries is expected to perform at a benefit concert in Mostar for the six accused in the case of the *Prosecutor v. Prlić et al.* Such unacceptable provocations, which are but the latest in a very long list, are an insult to the victims, to this Council and to all who believe in justice.

The message of denial and revisionism is loud and clear. They recognize their victims but not the other side's. The other side's war criminals are their heroes. When irresponsible officials use division, discrimination and hate to secure power, conflict and atrocities can gain a logic of their own. That was true two decades ago when the genocide and ethnic cleansing began and it remains true today.

With the closure of the ICTR and the upcoming closure of the ICTY, it is now more important than ever to address that challenge. In order to secure a peaceful future, there must be a shared agreement on the recent past.

In conclusion, the ICTY will complete its mandate before the end of the year. That will close an important chapter that the Council began 24 years ago. Yet, the work of justice for the victims of war crimes in the former Yugoslavia and Rwanda will continue. My Office will expeditiously litigate the small number of remaining trials and appeals before the Mechanism. We will intensify our efforts to locate and arrest the remaining eight ICTR fugitives so that the victims of their crimes can finally see them brought to justice. And, crucially, prosecutions of war crimes, crimes against humanity and genocide must continue in national courts in the former Yugoslavia and Rwanda, which my Office will support. We are grateful for the continued support of the Security Council.

The President (*spoke in Spanish*): I thank Mr. Brammertz for his briefing.

I now give the floor to the members of the Council.

Mr. Rosselli (Uruguay) (*spoke in Spanish*): At the outset, I would like to thank Presidents Carmel Agius and Theodor Meron and Prosecutor Serge Brammertz for their comprehensive briefing on the reports of the International Tribunal for the former Yugoslavia and the International Residual Mechanism for Criminal Tribunals.

Uruguay reiterates its firm commitment to the work of the International Tribunal for the former Yugoslavia and the International Residual Mechanism. Uruguay recognizes the contribution that those institutions have made to international criminal justice, national and regional reconciliation in the countries concerned, and international peace.

With regard to the International Tribunal for the former Yugoslavia, we note with satisfaction the progress of its judicial activities and its adherence to the schedule for completing its judicial work time and achieving its closure by the end of 2017. Likewise, the liquidation activities of the Tribunal are well under way, which is undoubtedly a very good sign.

We share the concern of President Agius over the continuing attrition of Tribunal personnel looking for more stable and durable jobs. We hope that the talks between President Agius and the various authorities of the United Nations will lead to a solution that will allow the most critical personnel to be retained for the proper completion of the Tribunal's work. The temporary and exceptional nature of any measure to be adopted for that purpose should be an element of its favourable consideration.

An issue that deserves our special attention is the situation created around the arrest warrants of Petar Jojić, Jovo Ostojić and Vjerica Radeta, who are accused in connection with the trial against Vojislav Šešelj. President Agius informs us that the arrest warrants have been pending execution since 19 January 2015. In his letter of 1 March 2017, he requested the Security Council to act.

With regard to the International Residual Mechanism, we note with satisfaction the progress that it has made in several of its areas of activity. We share the belief that the Mechanism ought to be devoted to the search and prosecution of the 8 persons indicted by the International Criminal Tribunal for Rwanda who remain fugitives.

The situation surrounding the arrest of Judge Aydin Sefa Akay and its repercussions in the case of *The Prosecutor v. Augustin Ngirabatware*, of which President Theodor Meron has informed the Council on several occasions, most recently in his letter of dated 9 March, is also cause for concern. The State's cooperation is essential if the International Tribunal for the former Yugoslavia and the Residual Mechanism are to comply fully with the mandates bestowed upon them by the Security Council. The mandates refer to no less than imparting international justice and prosecuting and punishing those guilty of crimes against humanity, war crimes and crimes of genocide. It is the responsibility of the Security Council to not allow those institutions to be weakened, since they embody the credibility of the international criminal justice system and are the custodians of the confidence it inspires. The Security Council, collectively or through the actions of its members, must make its best efforts to ensure that the principles essential to the effectiveness of the work of those institutions, as well as their working methods, are respected.

Presidents Carmel Agius and Theodor Meron, as well as Prosecutor Brammertz, have brought to the attention of the Security Council two concrete cases and requested its action. We cannot feign ignorance of the situations at hand. The weakening of the institutions responsible for imparting justice and defending the rule of law, as well as the impunity that may result from that weakening, lead to the repetition of human rights violations and the lack of protection of the victims.

To conclude, we would like to express our gratitude to the Office of Legal Affairs and the Secretariat for their ongoing support for our work in our capacity as Chair of the Informal Working Group on International Tribunals. On a personal note, I wish to underscore the high regard in which we hold the officials of the international criminal tribunals who are with us today. I would also like to express our admiration for the work they are doing to champion international criminal justice.

Mr. Cardi (Italy): I would like to thank the Presidents of the International Tribunal for the Former Yugoslavia (ICTY), Judge Carmel Agius, and of the International Residual Mechanism for Criminal Tribunals, Judge Meron, as well as Prosecutor Brammertz, for their briefings today in this Chamber.

As far as the ICTY is concerned, we welcome the fact that work is proceeding according to plans to ensure completion by the end of 2017. We commend the President and the entire work force of the ICTY for these efforts.

Concerning the Mechanism, we are pleased to see that it is up and running, and functioning effectively. Under the leadership of President Meron, many important steps have been taken, as we have heard, to ensure the effective handling of the wide range of crucial functions with which the Mechanism has to deal. We are ready to support the Mechanism. We are also confident that the remaining tasks in the area of the search for fugitives, relating to the Rwandan cases, and all prosecutions and other proceedings regarding both the International Criminal Tribunal for Rwanda (ICTR) and ICTY are in safe hands with Prosecutor Brammertz at the helm.

I agree entirely with Judge Carmel Agius that we have a collective responsibility to keep building on the legacy of the two ad hoc Tribunals, working with the Mechanism as well as with other international criminal courts and tribunals, including the International Criminal Court (ICC).

The Council as a whole has contributed to the establishment of the age of accountability and must be coherent in upholding its main principles in the face of the many challenges we confront in order to abide by its commitment. Also, in my capacity as Vice-President, in New York, of the Assembly of States Parties to the Rome Statute of the International Criminal Court, I would like to make three additional comments of a general nature.

The first point is on the primary responsibility of States to ensure that justice for war crimes, crimes against humanity and genocide is carried out in accordance with international standards. The international community must provide the necessary assistance and be ready to step in when domestic jurisdictions are unable or unwilling to ensure that justice is done. We must never tire of underlining this crucial aspect of our work, on behalf, of course, of the victims of all the crimes committed.

Secondly, cooperation is an essential element of the functioning of international criminal tribunals. Failing that, such organs would be giants without arms or legs. States must assist the tribunals by lending them their enforcement powers. We note that lack of

cooperation is still an issue of concern at the ICTY and the Mechanism; this is not, of course, a positive sign. The so-called completion strategy is based on the idea that there must be swift cooperation with tribunals and a commitment to the fight against impunity. That fight does not end with the closing of the ad hoc tribunals.

Thirdly, and finally, the Council should assume full ownership of the work done by these subsidiary organs, established in the 1990s, and should incorporate their lessons into its activities. Together with the Secretariat, we need to find ways to have these issues featured more systematically and analysed in greater depth. Accountability must become part of the broader prevention strategy of the United Nations. There is virtually no situation of which the Council is seized that does not require attention in terms of accountability: from Syria to Yemen, from Iraq to South Sudan, from the Democratic Republic of the Congo to the Central African Republic.

We might have different views, but it is precisely for this reason that we should be able to find a forum where we can discuss these different views thoroughly and consider all aspects of justice more systematically. We must not shy away from discussing concerns so long as we have not found viable solutions.

Ambassador Elbio Rosselli of Uruguay, together with his team, have done and are doing an excellent job in steering the work of the Informal Working Group on International Tribunals; I would like to thank him for that and support his call for action. The future should be about continuing this job with a stronger and broader collective engagement with these issues. As long as crimes continue to be committed, and there is abundant evidence that they do continue to be committed, the Council must consider situations including from the angle of accountability and, on the basis of the work done by the ICTY and the ICTR, and now the Mechanism, redouble its efforts to be united in the fight against impunity.

Mr. Akahori (Japan): I would like to thank President Agius, President Meron and Prosecutor Brammertz for their reports (see S/2017/436 and S/2017/434) and briefings. Japan is deeply committed to the rule of law and fully supports the activities of the International Tribunal for the Former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals. We commend their role in the fight against impunity.

We welcome the ICTY's steady progress on the closure of the Tribunal at the end of this year, especially regarding the *Mladić* and *Prlić et al* cases. We appreciate the Tribunal's strong commitment to maintaining the projected timeline on these cases despite serious staff attrition. Japan hopes to see the judgments issued this November and appreciates the strong leadership of President Agius.

In order for the Tribunal to function effectively and to perform its mandated tasks, full cooperation by Member States is needed. We are concerned by continued instances of non-cooperation and reiterate that the relevant States must meet their obligations.

Let me now turn to the Mechanism. We are very pleased by the Mechanism's efforts to provide a more detailed projected timeline for its cases, while recognizing that concrete dates are difficult to project at this early stage. Effective and efficient delivery of judgments must be balanced with due process. We appreciate the coordination between the Mechanism and the ICTY's Prosecutor offices to share expertise and experience under the one-office approach.

Arresting the eight remaining fugitives is a priority for the Mechanism. We note the Prosecutor's suggestion on transferring these responsibilities to national authorities in future if the situation does not improve, but we hope that task forces within the Prosecutor's office will lead to arrests as soon as possible.

As with the ICTY, Member States' full cooperation with the Mechanism is required to deliver justice. We welcome the cooperation of a number of States, especially in the area of the enforcement of sentences, and hope to see the transfer completed soon. We take note of the situation with regard to Judge Akay. We hope that it will be resolved as soon as possible.

Before concluding, let me reiterate Japan's support and appreciation for the activities of both the ICTY and the Mechanism. We strongly hope that the work of both organs will bolster the rule of law and help victims see justice.

Mr. Zagaynov (Russian Federation) (*spoke in Russian*): We have attentively studied the reports of the leadership of the International Tribunal for the Former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals (see S/2017/436 and S/2017/434, respectively) on the past six-month period. We note that as stated in the report of the ICTY,

judicial proceedings are under way on schedule and will be completed in November 2017. We call on the Tribunal's leadership to make every effort to reduce these timetables, as has been repeatedly called for by the Security Council, particularly in resolutions 2193 (2014), 2256 (2015) and 2329 (2016).

Although the ICTY has entered the final stage of its operations, everything possible must be done to address the imbalances that have accrued in the past few years. They discredit the very idea of international criminal justice. We have discussed them at length in the past. This certainly does not have to do only with a failure to comply with the rules about the duration of trials and pre-trial detention. In particular, we reject attempts to put forward assessments that implicitly place blame for crime on peoples, Governments and others, thereby creating certain biases. The Tribunal must operate on the basis of the core principle of criminal law, namely, that criminal responsibility is individual in nature. The role of establishing guilt vis-à-vis specific individuals was assigned by Security Council to the Tribunal, and we cannot go outside this framework.

Our delegation is deeply disheartened by the refusal of the ICTY Trial Chamber to grant the request of Ratko Mladić for provisional release on humanitarian grounds so that he could receive medical treatment in Russia. Information about the significant deterioration of the health of Ratko Mladić was ignored, as was the guarnatee of his timely return to The Hague and compliance with other conditions that might be put forward by the Trial Chamber. Related safeguards and the assurances were also rejected. The judges refused to give the individual the opportunity to receive highly qualified medical assistance at a stage of the trial that did not require his individual presence. Previously the Tribunal had agreed to provisionally release individuals who were present with less weighty circumstances. Of course, the ICTY bears full responsibility for this decision and its potential repercussions.

We have repeatedly voiced concern about the quality of medical treatment of ICTY indictees. Once again, we call for an investigation into the operation of the medical unit of detention facilities of the ICTY by the Office of Internal Oversight Services. We trust that this investigation will take place promptly.

On the whole, our assessments of the operations of the ICTY, including staffing issues, have been voiced during previous meetings, and we will certainly not repeat them. However, we would mention that the contempt case must not influence the trial nor the Tribunal's closure dates, and consideration of the issue of inclusion of the Council in this matter is something that we continue to believe is unsubstantiated, especially in the light of previous practice in similar cases.

Briefly, on the work of the Residual Mechanism, we are closely following the trials, particularly in the light of the negative experience of the ICTY. The Mechanism, which was established pursuant to resolution 1966 (2010), has a limited mandate with regard to both the substance of its functions and the duration of its operations. For this reason, it is officially referred to as a Residual Mechanism.

The mandate of the Mechanism hinges on biannual Security Council review cycles of its activities. We believe that the Mechanism must not overstep its mandates. In particular, it must not analyse mindsets in a given country or historical views or, for example, prospects for European integration. We call for avoiding getting sidetracked by issues and tasks unrelated to the Mechanism's mandate. They draw attention from attaining the goals set forth by the Charter and Council resolutions.

We trust that officials in the Mechanism will plan the course of criminal trials and other statutory activities in a qualitative manner. We anticipate sound forecasts, maximum effectiveness, transparency, efficiency and strict compliance with standards of justice, including the duration of proceedings and schedules. The Mechanism has all procedural and other capacities to that end at its disposal.

Ms. Sison (United States of America): The United States extends its sincere appreciation to President Meron, President Agius and Prosecutor Brammertz for their briefings today on the ongoing work to achieve justice for victims of the vicious atrocities committed in the former Yugoslavia and Rwanda that stained the history of humankind. As we look towards December and the anticipated closure of the International Criminal Tribunal for the Former Yugoslavia and the merging of essential functions with the Mechanism for International Criminal Tribunal, the United States wishes to underscore that it remains as committed to the work of the Tribunal as it was when it was established nearly a quarter-century ago.

The completion of the Tribunal's mandate is essential. We applaud the completion of trial

proceedings in the case of *Prosecutor v. Ratko Mladić* and look forward to the delivery of a judgement later this year. While we can never undo the horrors of war, bringing cases to their conclusions, as was done last year when former Republika Srpska President Radovan Karadžić was found guilty and sentenced to 40 years in prison for genocide, crimes against humanity and violations of the laws and customs of war, goes a long way towards closing a dark chapter of history and creating a legacy of showing would-be perpetrators of atrocities elsewhere in the world that they cannot act with impunity.

The United States has consistently emphasized that the Tribunal and the Mechanism establish facts through judicial process. This process is critical to countering those who seek to distort facts, revise history, engage in genocide denialism or rewrite reality. The United States continues to be greatly concerned about the detrimental impact of increasingly divisive political speech in the region on the pursuit of justice for war crimes committed in the former Yugoslavia. Such inflammatory rhetoric harms regional cooperation among the States of the former Yugoslavia, which is essential to promoting accountability for war crimes. In this regard, the United States would like to express our sincere appreciation for the contribution of these Tribunals, including the Office of the Prosecutor, to developing a historical record of the facts to counter those who seek to deny the nature of the widespread crimes, including genocide, that took place.

The kinds of hateful ideologies that led to these horrific acts persist to this day, and together we must continue our efforts to relegate them to the past. The United States also remains concerned that three arrest warrants for individuals charged with contempt of court in relation to witness intimidation in the case of *Prosecutor v. Vojislav Šešelj* have remained unexecuted in Serbia for nearly two and a half years. Cooperation with the Tribunal is an ongoing, binding obligation. The United States calls on Serbia to execute these arrests without further delay, and we look to the newly-appointed Serbian war-crimes prosecutor to play a constructive role in that process.

The Security Council should be unified in the message to Serbia that failure to fully cooperate with the Tribunal in accordance with its statutes and the resolutions of the Council compromises the core functions of the international justice system and must be addressed with appropriate urgency. The United States commends the ongoing work of the Office of the Prosecutor to reshape the fugitive-tracking programme, so that the eight remaining fugitives from the International Criminal Tribunal for Rwanda may be swiftly located, arrested and brought to justice.

We are happy to see these changes. This effort is not window dressing. The restructuring that has been done appears capable of having a significant impact on tracking efforts, both by improving information-sharing and placing a renewed emphasis on timely and effective intelligence and analysis. We remain committed to the apprehension of the remaining fugitives and look forward to engaging with the two new Task Forces focused on Africa and Europe in this effort. We call on all States, especially those in the Great Lakes region, to cooperate with efforts to apprehend these fugitives. To that end, the United States continues to offer a reward of up to $5 million for information leading to the arrest or transfer of these eight men.

With regard to management and the transition, the United States appreciates the careful planning and ongoing work of both the Tribunal for the former Yugoslavia and Mechanism Registrars to navigate a complicated issues during this period of transition for both institutions. We are happy to hear of the significant progress made to downsize offices and reduce costs, as the Tribunal looks to close at the end of the year. We also note the ICTY's concerns about staff attrition and we thank it for its considerable efforts to retain core staff, including by providing training and making other accommodations, and urge it to continue these initiatives. We are grateful for the personal and professional sacrifices the staff of both Tribunals have made.

In addition, we are glad to hear that the four audit reports of the Mechanism, issued by the Office of Internal Oversight Services during the reporting period, found satisfactory management and controls and that the Mechanism is striving to take necessary actions where recommendations for improvement were made.

The United States remains deeply concerned that the mechanisms case work is being severely impaired due to the situation of Judge Aydin Sefa Akay. We continue to emphasize the need for this matter to be resolved fairly and expeditiously. The mandate of the Tribunal may be nearing an end, but its work to end impunity and promote justice will be enduring. Even more, the work of the Mechanism and Tribunal reminds

us daily of the critical need to seek accountability where atrocities against civilians have so far been met with impunity in places like Syria and South Sudan.

Mr. Ciss (Senegal) (*spoke in French*): The Senegalese delegation is grateful to the Bolivian presidency of the Security Council for having a organized this briefing on the International Criminal Tribunals and the International Residual Mechanism for Criminal Tribunals. I would like to thank in particular Judge Carmel Agius, President Theodor Meron and Prosecutor Serge Brammertz for their comprehensive reports (see S/2017/434 and S/2017/436) and for their briefings on the work of the Tribunals and on the completion strategy for their work.

I take this opportunity to also wish the new Registrar, Mr. Olufemi Elias of Nigeria, every success. He is joining the Mechanism at a crucial juncture in its transition and in the transfer of functions and responsibilities from the International Tribunal for the Former Yugoslavia (ICTY) to the Mechanism. My delegation would also like to congratulate Ambassador Elbio Rosselli, Permanent Representative of Uruguay, and his entire team for their remarkable work as Chair of the Informal Working Group on International Criminal Tribunals.

In reading through the reports, we are very satisfied to see the headway that is being achieved in dealing with pending cases, particularly the fact that a new trial will soon be opened in the case of *Stanišić and Simatović*, which should begin on 13 June. We also welcome the fact that preparations are under way for the appeal of Mr. Karadžić and Mr. Šešelj. The beginnings of these cases and appeals is an important step forward. Moreover, my delegation acknowledges the importance of legal responsibility and welcomes the adoption of a professional code of conduct for the judges of the Mechanism, although we note that there are no provisions for sanctions within that professional code of conduct should a judge fall short of the content therein. This shortcoming has already been pointed out by the Office of Internal Oversight Services in its 2016 evaluation report of the ICTY and deserves to be addressed quickly.

We welcome President Meron's decision to have his Office review the possibility of establishing an enforcement mechanism allowing for the implementation of a code of ethics that will take into account the evolution of international practice in this area. However, we note that certain questions remain pending, namely, that the issue of staffing, issues related to cooperation and arrest warrants, the search for fugitives found to be guilty by the International Criminal Tribunal for Rwanda, the reintegration of acquitted or released individuals after they have served their sentences, the optimal use of financial and administrative resources and the issue of the archives have not yet been fully resolved. These are issues that are of concern to all of us and deserve our attention. We also appeal to States, particularly those in which the fugitives might have taken refuge, to redouble their efforts to apprehend them and to ensure that they can stand trial.

Turning our attention now to the matter of Judge Aydin Sefa Akay, we welcome the efforts of the Office of Legal Affairs and the Informal Working Group to seek a happy conclusion to this matter and we welcome all cooperation lent by Turkey. We call upon all parties involved to keep the channels of dialogue and consultation open in order to find a swift solution to this matter.

We acknowledge the key role played by the International Criminal Tribunals and the work done by the officials who lead them. We reiterate our support to them. I also assure them of the tireless support of my country to upholding the principle of the independence of justice.

We would also like to pay tribute to the significant contribution by the Tribunals to international justice with regard to crimes against humanity, war crimes and crimes of genocide, as well as to accountability and reconciliation efforts. That is why Senegal is firmly committed to being responsible for the eight cells that have been refurbished by the International Criminal Tribunal for Rwanda in accordance with international prison standards and to making them fully operational. I would like to assure the Mechanism's authorities that the related administrative procedures are in their final stages.

Mr. Li Yongsheng (China) (*spoke in Chinese*): China thanks President Agius, President Meron and Prosecutor Brammertz for their briefings on the work of the International Tribunal for the Former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals.

Over the past six months, the ICTY has continued to make it progress in all aspects of its work. Under the

leadership of President Agius, it has overcome many difficulties, including staff attrition, and implemented in earnest the relevant Security Council resolutions in a tireless effort to wrap up its judicial work before the end of November. China commends the ICTY on its work and hopes that it can redouble its efforts during the remaining months to ensure the timely completion of its judicial work and its closure before the end of the year. The Tribunal has begun to plan closure-related events. China will consider sending people to attend these events.

Over the same period, the International Residual Mechanism for Criminal Tribunals, under the leadership of President Meron, has made continued progress with the beginning of the *Stanišić and Simatović* trial case in June and the ongoing *Karadžić* and *Šešelj* appeal cases. The Residual Mechanism has issued 152 decisions and orders and conducted its judicial activities in an orderly fashion. It has adopted measures such as remote judging, double hatting and single judge adjudication to meet the requirement of being small, temporary and efficient. It has also successfully reintegrated one person who was acquitted and one person who was released.

China commends the Residual Mechanism for its progress over the past six months. We expect the Mechanism to continue its strict implementation of resolution 1966 (2010) and other relevant resolutions of the Security Council, as well as the statute of the Mechanism, and to diligently discharge its duty so as to ensure steady, orderly and efficient progress in its work on all fronts.

The ICTY will close before the end of the year. China expects it to wind up its work in a smooth and efficient manner. We hope that the ICTY will collaborate closely with the Residual Mechanism in order to effect a smooth transfer of the remaining work from the former to the latter. China will continue to support both institutions.

Finally, China would like to express its appreciation to Uruguay, as Chairman of the Working Group on International Tribunals, and the Office of Legal Affairs for the excellent work they have done.

Mr. Moustafa (Egypt) (*spoke in Arabic*): At the outset, I would like to extend my thanks to Judge Meron, Judge Agius and Prosecutor Brammertz for their briefings. We have carefully reviewed the contents and considerations of the two periodic reports (see S/2017/434 and S/2017/436). I would like to commend the progrees made in the implementation of the mandates of both Tribunals and to underscore our support of their efforts to complete their mandates, as scheduled.

The Security Council established the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) to uphold the principles of justice and the rule of law, to demonstrate the sincerity of the international community in addressing war crimes and crimes against humanity, to ensure that the perpetrators are held accountable for their actions and to anchor the principle of zero impunity at the international level. The two Tribunals have played a commendable role in that respect and will continue to do so through the International Residual Mechanism for Criminal Tribunals in Arusha and The Hague. In that connection, we salute all efforts to ensure a smooth transition and handover. The mandate of the ICTY is drawing to a close. The Council's support of the Tribunal is essential if it is to optimally fulfil its mandate and duly finalize the cases of which it is seized.

We urge Member States to continue cooperating with the Registry of the Tribunal in accordance with its mandate, as outlined in its Statute. In that respect, I wish to underscore the need to use all available financial and administrative resources effectively in order to facilitate the work of the Residual Mechanism and the ICTY, as required.

The International Criminal Tribunals are an important tool for the international community in the administration of justice and the punishment of those responsible for serious violations of international humanitarian law. The experiences gained and the lessons learned from the ICTR, the ICTY and the International Residual Mechanism, therefore, merit consideration as a reference for the future. We must build on the positive aspects and avoid any failures or shortcomings.

In that respect, the Office of Internal Oversight Services, in accordance with the mandate of the Council, reviews the working methods of the Mechanism and reports thereon, as it did with regard to the ICTY. That serves our objectives, but it is important for the group responsible for the review, whether at the assessment or recommendation level, to pay heed to the nature of the Mechanism as a judicial institution and to ensure a balance between improving administrative

performance and efficacy, on the one hand, and not to prejudice the independence of the international judges, on the other.

Therefore, seeking the help of seasoned, experienced judges as part of the group responsible for the review is essential to fully understanding the nature of the work of the Mechanism. In that respect, agreement on a reference methodology for such reviews will facilitate communication between the Office and the Mechanism, while preparing future reports. That will have a positive bearing on the nature of outcomes and their implementation when the Council establishes similar tribunals and mechanisms in the future.

In conclusion, I would like to note that Egypt continues to follow the case of the detention of Judge Aydin Sefa Akay in Turkey on the grounds of certain accusations made against him. We look forward to arriving at a satisfactory solution that preserves the dignity and independence of the international judiciary and is in line with the rules of international law and the Charter of the United Nations.

Mr. Vitrenko (Ukraine): We too would like thank today's briefers for their extremely important contribution to this meeting and to assure them of Ukraine's full support. I would also like to extend a warm welcome to the Deputy Prime Minister and Minister for Foreign and European Affairs of the Republic of Croatia.

We would like to commend the steady progress that the International Tribunal for the Former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals have made since December 2016 in litigating trials and appeals, reforming and strengthening efforts to locate and arrest the remaining International Criminal Tribunal for Rwanda (ICTR) fugitives, assisting national jurisdictions in prosecuting international crimes committed in Rwanda and the former Yugoslavia.

Unfortunately both institutions are experiencing problems and challenges in performing their mandates. There is a challenge of staff attrition, along with the added pressure to meet deadlines in anticipation of the planned closure of the ICTY and to ensure a smooth handover of remaining issues to the Mechanism. Although they are natural and hardly avoidable under the circumstances, we hope that those difficulties will not affect the operational capabilities of both institutions at this important stage of their work.

Yet there are challenges of quite a different nature. The need for States to cooperate with international criminal courts and tribunals is constantly stressed, including in the unanimously adopted resolution 2329 (2016). That is why we are concerned that States' non-compliance with tribunals' orders remains an outstanding issue that impedes their efficient work. We are therefore particularly concerned about Serbia's defiance of the Tribunal's arrest warrants and orders to surrender three indictees to the Tribunal's custody. We call upon that country to comply with its obligations under article 29 of the ICTY statute and respective Security Council resolutions to render all necessary assistance to the Tribunal.

It is of the utmost importance for international justice and crime prevention that all cases before the Tribunal are completed by the time its activities are concluded. It is imperative to send the strong message that no one can avoid accountability for serious violations of international humanitarian law. In that respect, we welcome INTERPOL's issuance in March of Red Notices in relation to pending warrants.

We urge all States to cooperate with the ICTY and the Mechanism and to respect their mandates in line with obligations under relevant Security Council resolutions. Courts cannot deliver justice by themselves. The international community must be consolidated in its support of the Criminal Tribunals' work to ensure the right to universal justice for all victims of mass atrocities.

Let me touch upon another technical but critical part of the current stage of the Tribunal's liquidation-related activities. We have seen strong commitment to a timely and efficient accomplishment of that task. We are satisfied with the downsizing process, the transfer of assets and contracts to the Mechanism, as well as records and archives of the Tribunal. With regard to the Mechanism, my delegation commends its judicial activities and the issuance of more than 150 decisions and orders during the reporting period, including through the remote procedure. We also support continuing efforts in reducing the costs and streamlining the internal working methods and processes to ensure efficient and transparent work by the Mechanism.

In conclusion, we would like to hail successful events held as part of the ICTY legacy dialogues series and the launch of an enhanced version of the Mechanism's website. The knowledge and expertise of

international criminal tribunals should be accessible to a wider public, thus contributing to efforts to maintain international peace and deliver justice around the world.

Mrs. Gueguen (France) (*spoke in French*): I thank President Agius, President Meron and Prosecutor Brammertz for their very comprehensive briefings.

France reiterates its gratitude and support to the entire staff of the International Tribunal for the former Yugoslavia (ICTY) and of the International Residual Mechanism for Criminal Tribunals for their efforts in conducting successful judicial proceedings. Although the ICTY is now in its final year of operation, it is extremely important that it continue to be supported by its entire team until the very end. As the Mechanism strengthens, it is also important for us to ensure that the model adopted by the Security Council and the tools and resources provided to enable it to effectively discharge its duties with reduced costs, are sustainable.

We commend President Agius's firm commitment to staying the course and completing the work of the ICTY in 2017. The confirmation of the very good progress made in the most recent proceedings at both the first instance and appeal stages, as well as the start of liquidation-related activities, is in line with the expectations of the Security Council when it extended the Tribunal's mandate for the final time through resolution 2329 (2016).

The Tribunal will close its doors this year. France commends the ICTY for its tremendous work in advancing reconciliation and peace — a process that is still under way for the peoples of the region. An overall review should also be conducted this year to assess progress made and identify good practices and areas in which improvements can be made in dispensing justice more effectively. We know that the ICTY's experience is vital. The ICTY would be the first Tribunal to share its experience with other international judicial institutions. The legacy of the ICTY must be preserved and maintained in order to strengthen international criminal justice, as a whole. France will participate in the events planned for the closure of the ICTY, which will be held in New York at the same time as the opening session of the Assembly of States Parties to the Rome Statute of the International Criminal Court.

As the ICTY nears the completion of its work, France reiterates that, now more than ever before, States of the region are responsible for cooperating fully with the Tribunal, in accordance with the relevant resolutions of the Security Council. Such cooperation extends to the Mechanism. We call on all States to do their utmost to ensure that the eight fugitives indicted by the International Criminal Tribunal for Rwanda (ICTR) are arrested. We support the efforts of the Prosecutor to restructure his teams and to strengthen cooperation with his partners. All individuals suspected of committing crimes during the genocide in Rwanda must be brought to justice. In that regard, France recalls that cases referred in 2007 by the ICTR are still ongoing and are the subject of regular discussions with the Prosecutor of the Mechanism, as well as with the Mechanism's specially appointed observer.

During this pivotal year, my delegation reiterates its full support for the smooth transition to the Mechanism and welcomes the fact that the ICTY and the Mechanism assist each other, taking into account, in particular the ICTR's experience in handing over functions to the Mechanism. France welcomes President Meron's determination to rely on the good practices of the ICTR and the ICTY in prosecuting cases and in working with the Mechanism. In that regard, my delegation reiterates the importance of the recommendations put forward by the Office of Internal Oversight Services in the review of the ICTY conducted in 2016 and calls on the Mechanism to follow those recommendations with regard to its operations, developing a code of ethics and establishing a disciplinary mechanism for judges. France would also like to recall that the diversity of legal systems, which we know President Meron holds dear, is a factor in the success of the mission of the Mechanism and of all international criminal courts.

Finally, France reiterates its support for the activities of the ICTY and the Mechanism that seek to build national judicial capacity. Such actions are an invaluable contribution to the fight against impunity and access to justice throughout the world. We welcome the training courses envisaged in the Central African Republic, which would bolster the Special Criminal Court. We encourage the Mechanism to continue those activities.

The Security Council decided to establish international criminal tribunals in the 1990s because it believed that the States concerned and their citizens would be their primary beneficiaries through the gradual strengthening of the rule of law, which ensures the independence of the judiciary and acknowledges full accountability.

Mr. Tumysh (Kazakhstan): My delegation thanks President Agius, President Meron and Prosecutor Brammertz for their updates.

Kazakhstan notes with satisfaction the progress achieved over the past six months in the work of the International Tribunal for the Former Yugoslavia and in the effective implementation of the strategy for the Tribunal's closure, despite the continued serious issue of staff attrition. We appreciate the leadership of President Agius in his efforts to ensure the proper functioning of the Tribunal under the difficult circumstances. We hope that the various challenges encountered will not be a setback in the Tribunal's timely completion of the trials of the remaining pending cases. In addition, it is imperative that effective solutions be found for the existing administrative issues facing the Tribunal.

My delegation closely follows the work of the International Residual Mechanism for Criminal Tribunals and hopes that all efforts to assist the victims of some of the most inhuman of crimes will be carried out successfully.

We see the value of the significant role played by the international judicial and quasi-judicial bodies in preserving our faith in international law and in inevitably punishing the perpetrators of serious crimes. Kazakhstan commends the respect for and strict adherence to the important principles of objectivity, independence and impartiality that the Tribunal followed in conducting its work.

Finally, my delegation would like to thank Ambassador Elbio Rosselli, Chair of the Informal Working Group on International Tribunals, and the Permanent Mission of Uruguay for their tireless efforts and diligent dedication to their duties on behalf of the Council.

Ms. Guadey (Ethiopia): I would like to start by thanking the President of the International Residual Mechanism for Criminal Tribunals, Judge Theodor Meron; the President of the International Tribunal for the Former Yugoslavia (ICTY), Judge Carmel Agius; and the Prosecutor of the ICTY and the Residual Mechanism, Prosecutor Serge Brammertz. I would also like to thank Ambassador Elbio Rosselli for his efforts and leadership as Chair of the Informal Working Group on International Tribunals.

We believe that the process of truth, justice and reconciliation is important for peacebuilding, restoring the rule of law, fighting impunity and ensuring accountability, as well as for supporting victims in post-conflict societies. In that regard, we acknowledge the significant contributions made by ICTY, the International Criminal Tribunal for Rwanda (ICTR) and the Residual Mechanism.

In relation to the ICTY, we appreciate the work undertaken during the reporting period to ensure a smooth transition from the Tribunal to the Residual Mechanism, including in the context of liquidation, downsizing and transferring records to the Residual Mechanism. We welcome the work of the Tribunal's Judge and its staff and their dedication to concluding all judicial activities and complying with the completion strategy, which outlines its closure by the end of 2017. We also welcome the resource-sharing arrangement between the Office of the Prosecutor of ICTY and the Mechanism under the one-office approach, as it enables the Tribunals to address their challenges in relation to staff attrition. Such measures taken by the ICTY will increase its efficiency and lead to the possible completion of pending cases, as well as its fulfilment of its commitment to ending its work by the end of 2017. Furthermore, we commend the collaboration between the Office of the Prosecutor of the Residual Mechanism and the ICTY, as well as national judicial authorities in relation to access to information and evidence. Such collaboration would support the proceeding of the relevant national courts and enable public prosecutors to bring to justice persons who have committed serious crimes under international law.

With regard to the Mechanism, we appreciate its work in relation to follow-up cases referred to national courts, as well as the Mechanism's enforcement of sentences. We have noted from the Prosecutor's report (see S/2017/434, annex II) that the Mechanism continued its double-hatting arrangement with the ICTY during the reporting period. In our view, such an arrangement will enable it to function as a small, temporary and efficient tribunal. We also welcome the cooperation between Senegal and the Mechanism, which has facilitated the enforcement of sentences of prisoners of the ICTR, and the work that has been achieved in relation to that cooperation.

While welcoming the cooperation of Member States in relation to the relocation of acquitted and released prisoners, we note with concern the challenges raised in the report in relation to the lack of comprehensive solutions regarding the resettlement of released and

acquitted persons. In that regard, we note the reports of the early release in recent years of more than 14 persons convicted for genocide-related crimes, based on early-release arrangements without proper consultations with the Office of the Prosecutor, the victims or the country concerned. We are of the view that such practices do not seem to be commensurate with the gravity of the crimes committed. It may have grave implications for the victims when, in many cases, the mindset that gave rise to the crimes committed has not been abandoned, as indicated in the Prosecutor's report. Therefore, we would like to encourage the President of the Residual Mechanism to continue his dialogue with Member States, including in the context of the Informal Working Group, to find a durable solution to the challenge at hand. We have noted that the report raises the issue related to Judge Akay. We would like to encourage the Mechanism to work in cooperation with the Government of Turkey to resolve the matter.

We have noted the challenges raised in the reports of the ICTY, the Mechanism, as well as the reports of the Office of the Prosecutors of the ICTY and the Residual Mechanism in relation to the trafficking of fugitives and a lack of cooperation. The continued cooperation and assistance of Member States with the ICTY in its remaining period is critical for the successful completion of all cases before the Tribunal and a smooth transition to the Mechanism. It will aiso be absolutely necessary in the conlusion of pending cases with the time frame outlined in resolution 1966 (2010).

To conclude, I would like to underscore the need for the Mechanism, the ICTY and the Office of the Prosecutors of the ICTY and the Residual Mechanism to continue their dialogue and cooperation with Member States in fulfillment of their functions and completion of pending cases, including through tracking the remaining eight at-large fugitives.

Ms. Schoulgin-Nyoni (Sweden): I would like to express my appreciation for the comprehensive briefings and reports on the International Tribunal for the Former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals by President Carmel Agius, President Theodor Meron and Prosecutor Serge Brammertz. Let me also welcome the presence of His Excellency the Prime Minister and Minister for Foreign Affairs of Croatia.

The role that international criminal tribunals have played in the fight against impunity for the most horrendous crimes, such as genocide, crimes against humanity and war crimes, cannot be overestimated. By acknowledging and recognizing the trauma that remains after conflicts have ended, and by providing a framework to hold those responsible to account, their work has helped rebuild the foundations for affected societies so that they can move forward. Ensuring justice in the aftermath of conflict is essential for healing the wounds of war and to sustaining peace. Holding perpetrators to account in international or national courts is key to national reconciliation.

We welcome the fact that the two remaining cases before the ICTY, those of Ratko Mladić and the appeals case Prlić et al, will be concluded in November. As we move towards the conclusion of the ICTY's mission, we welcome President Agius' plans for a structured and timely transition to the Residual Mechanism. We would like to takethis opportunity to thank the staff of ICTY for their invaluable contributions to international justice. We would also like to recognize the efforts of President Agius to lead his team until the completion of all of the Tribunal's work.

It is important that there be no outstanding cases at the time of the ICTY's closing. We urge Serbia to cooperate fully with the Court, as it has done on other occasions. We call on itto carry out the three arrest and surrender orders pending since January 2015. Denying the reality of what happened in the past will only undermine prospects for peace in the future. We therefore share the Prosecutor'ss deep concern about widespread denial of crimes and facts established by ICTY in relation to its cases, which could have real consequences for reconciliation in the Western Balkans. Making a decisive and irreversible break with the past can happen only when there is truth and accountability.

We look forward to a smooth and effective transition from the ICTY to the Residual Mechanism. In that regard, we are encouraged by reports that ICTY and the Residual Mechanism are considering lessons learned from the transition of the International Criminal Tribunal for Rwanda (ICTR) a few years ago. We welcome the work already under way by the Residual Mechanism.

It is commendable that the Residual Mechanism issued over 150 decisions and orders during the reporting period. It has made good use of its flexible organization. The system of distance judges has proven cost-effective and efficient. We appreciate the conscious effort to

ensure gender balance within the Residual Mechanism, as well as the appointment of specific focal points on, for example, inclusion, gender and issues related to lesbian, gay, bisexual or transgender persons.

Finally, it is of concern that eight individuals indicted by the ICTR for serious crimes remain at-large. We encourage all States to cooperate fully with the Residual Mechanism for the speedy arrest of those individuals. We also encourage all States to assist the Residual Mechanism in carrying out its mandate, including by ensuring that its personnel are not hindered in performing their duties.

Ms. Mulvein (United Kingdom): I should like to thank the Presidents of the International Tribunal for the Former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals and the Prosecutor for their reports (see S/2017/436 and S/2017/434) and their presentations.

At the outset, let me reiterate the United Kingdom's continued support for the ICTY and the Mechanism and for all that they do to end impunity for the most serious international crimes.

As the ICTY progresses through its final year, the international community as a whole must continue to support the Tribunal so that it leaves behind a continuing and enduring legacy. Completion of its judicial work remains the priority. We welcome the fact that the Tribunal remains on track to deliver its final judgments in the cases of *Mladić* and *Prlić et al* before the end of the year. Let me commend the work of the judges and staff as well as the Tribunal's efficiency measures, such as the prosecution's "one office" policy, which have made this possible. We also pleased that the transfer of residual functions from the ICTY to the Mechanism remains on track.

We are, however, very much aware of the challenges that the ICTY faces. We share the Tribunal's concern over continued stuff attrition, and we welcome the measures taken to address this issue. We hope that staff will feel able to see their work through to the finish.

The United Kingdom is very concerned that more than two years on, the arrest warrants for the three individuals in the *Jojić et al* contempt case have still not been executed. We strongly urge Serbia to cooperate fully with the ICTY in all respects, including complying with its international obligations in this matter. Failure to do so risks undermining the central principles of international justice and the rule of law by allowing those suspected of interfering with witnesses to avoid accountability.

It is essential that the ICTY's vast experience and lessons learned not be lost. Its legacy must reflect its achievements and make a lasting contribution to regional peace and stability. We are therefore pleased to note its forward-looking approach to maximizing digital outreach and transforming the ICTY's website into a permanent repository for the Tribunal's digital legacy.

The legacy of the ICTY should be a clear and resounding message to those who commit such crimes that they cannot escape justice. Whether it takes two years or 20, history will eventually catch up with them.

With regard to the Mechanism, we note that it has entered an important phase, shortly commencing a retrial in Stanišić and Simatović and undertaking complex appeals in *Karadžić and Šešelj*. We look forward to the Mechanism's continuous, expeditious and efficient treatment of these cases and to receiving updates as they progress.

We remain concerned at the fact that the situation of Judge Akay has not yet been resolved and by consequent ongoing delays in the *Ngirabatware* case. We hope that a pragmatic resolution can be found as quickly as possible.

We fully support coordination between the Prosecutor's Office, national enforcement agencies and INTERPOL with regard to apprehending the eight remaining fugitives, and we welcome the Prosecutor's initiatives to improve tracking activities. We hope that they can be brought to justice soon, and we urge all States to cooperate to this end.

We also welcome the relocation of two further acquitted and released persons from Arusha and support the Mechanism in its ongoing work in this respect, recognizing the challenges.

In addition to the work of the Mechanism and the ICTY, there can be no doubt that effective national prosecutions are vital in achieving justice for the victims of atrocities and holding perpetrators to account for their crimes. So we are troubled by the Prosecutor's report for the ICTY that regional judicial cooperation is moving in the wrong direction. It is imperative that all States work together to achieve justice. We strongly urge all relevant authorities to initiate discussions immediately so as to remove any barriers to

investigating and prosecuting the most serious crimes of international concern, and we call on regional States to work with the Office of the Prosecutor to develop practical proposals to improve the situation as soon as possible. Individuals suspected of war crimes cannot continue to be shielded from justice simply by virtue of their location.

We are also deeply disturbed by the Prosecutor's reports, both for the ICTY and the Mechanism, of denial of crimes, in particular genocide and revisionism. If such crimes are to be prevented in future, it is essential to accept the ICTY and Mechanism findings and rulings on the tragic events of the not-so-distant past.

The President (*spoke in Spanish*): I shall now make a statement in my capacity as representative of the Plurinational State of Bolivia.

Bolivia welcomes the reports of the President of the International Tribunal for the Former Yugoslavia (ICTY), Judge Carmel Agius; the President of the International Residual Mechanism for Criminal Tribunals, Judge Theodor Meron; and the Prosecutor of the ICTY and the Mechanism, Mr. Brammertz (see S/2017/436 and S/2017/434). We take this opportunity to convey our support to them in carrying out the work entrusted to them.

We also express our gratitude for the work done by Ambassador Rosselli and his team in his capacity as Chair of the Informal Working Group on International Tribunals. We also thank the Office of Legal Affairs for its support and cooperation in connection with facilitating the work of the Informal Working Group.

It is important to underscore that the establishment of the International Tribunal for the Former Yugoslavia, through resolution 827 (1993), of 25 May 1993, and of the International Criminal Tribunal for Rwanda, through resolution 955 (1994), of 8 November 1994, have contributed significantly to justice through the fight against impunity and have played a key role in restoring the rule of law in the countries of the former Yugoslavia and in Rwanda.

In the more than 20 years that both Tribunals were up and running, the international community saw that they represented a key element in the quest for justice. As they have done a great deal of work, the Security Council must provide them the necessary support so that they can conclude their mandate, and also urge the Mechanism that it assist in this process in the best possible conditions.

Against this backdrop, and in order to ensure that the Tribunal can fully discharge the mandate conferred upon it by the international community and complete the remaining cases by December 2017, as set out in the completion strategy, it is vital that all States cooperate with its work.

We listened very carefully to the update on Judge Aydin Sefa Akay, which is a very delicate case when it comes to the work of the Mechanism. We hope that a swift resolution to this issue can be found. We also pay tribute to the dedicated work of the staff of the Tribunal through the lifetime of its mandate and reiterate that its cooperation and assistance will be key also during its drawdown period. We deem it important to ensure that the Tribunal has the resources necessary to facilitate the work of the Mechanism and the closing of the Tribunal.

We stress and welcome the work done in terms of preserving the Tribunal's legacy through dialogues with academia and with the general public, as was done in Bosnia and Herzegovina and in Croatia. We believe that those awareness-raising activities are clear testimony of the efforts made by the Tribunal to ensure the right to truth, justice, reparations for harm caused, keeping memories alive and most of all to ensure that such events are never repeated, and that in all circumstances dialogue and conciliation should be used to resolve conflicts, as set out in the Charter of the United Nations.

Finally, Bolivia looks forward to the events that will take place in December both in The Hague and in New York prior to the closure of the Tribunal, as well as the high-levels symposiums that will mark the end of 24 years of work.

Bolivia is firmly committed to the fight against impunity and to the maintenance of international peace and security, which are the cornerstones of the Charter of the United Nations.

I now resume my functions as President of the Security Council.

I now give the floor to the Deputy Prime Minister and Minister for Foreign and European Affairs of Croatia.

Mr. Stier (Croatia) (*spoke in Spanish*): I would like, at the outset, to congratulate you, Mr. President, on Bolivia's assumption of the presidency of the Security

Council and to wish you a successful month as you fulfil your mandate.

(*spoke in English*)

I welcome the Presidents of the International Tribunal for the Former Yugoslavia (ICTY) and the Residual Mechanism, Judges Agius and Meron, as well as Prosecutor Brammertz. I thank them for today's briefings and their reports (see S/2017/436 and S/2017/434) and assure them of Croatia's continued support for their efforts aimed at ensuring accountability.

It is little wonder that, some 25 years ago, Croatia, at the time under brutal aggression, was one of the States strongly supporting the establishment of a tribunal mandated to adjudicate and punish the most serious violations of international humanitarian law. The expectations of all those who cried for help and justice were extremely high. Global television audiences witnessed appalling scenes of Croatian towns and villages being levelled to the ground and their population savagely "cleansed". One such place was the village of Škabrnja, the scene of the most gruesome atrocities committed in 1991, when 84 of its inhabitants brutally perished. Most of them were executed on their doorsteps or in their basement shelters, massacred in the streets or thrown under the treads of passing tanks. After causing the carnage, the perpetrators wrote a cynical message on the wall of the destroyed elementary school in large letters: "Welcome to a dead village". Although he was not indicted for the events in this Croatian village, it was in Škabrnja and the surrounding towns and villages that, in 1991, Ratko Mladić, whose trial is still pending before the ICTY, began his warpath, which later continued in neighbouring Bosnia and Herzegovina.

The ICTY, whose work we are discussing today, will soon enter history with a significant legacy, in particular with its achievements in the fight against impunity. Equally important is the Tribunal's role in giving a voice to the thousands of victims of horrific crimes.

It could be said that the Tribunal is far from satisfying the cries of all those who experienced, in the worst manner possible, the brutality and cruelness of the perpetrators. It might also even seem that the Tribunal is far from upholding important legal principles and the mandate it was established to fulfil, that is, proceedings of reasonable length and the application of existing rules and principles of international humanitarian and criminal law. While little can be done about a number of those complaints, a stringent application of existing rules and principles, so important for both the legacy of the Tribunal and international criminal law in general, must now be our focus.

It is worthwhile repeating that in creating the ICTY, the Security Council strictly confined the Tribunal to the application of existing international humanitarian law and did not in any way authorize the creation of precedents or "legislation" in that branch of law. Such an understanding was also clearly expressed in Security Council members' official statements following the adoption of resolution 827 (1993), by which the Tribunal was formally established (see S/PV.3217), as well as in the report of the Secretary-General on the establishment and functioning of the ICTY (see S/25704), which explicitly limited the application of international humanitarian law by the Tribunal to rules that are beyond any doubt part of customary law.

In that context, let me remind Council members how, for example, the Permanent Representative of the United Kingdom, Sir David Hannay, in his discussion after the adoption of resolution 827 (1993), stated that "[t]he Statute does not, of course, create new law, but reflects existing international law in this field". The Permanent Representative of Spain, Mr. Yañez Barnuevo, summarized the Tribunal's role by saying that it is not established "to create new international law or to change existing law but to guarantee effectively respect for that law", while Ambassadors Arria and Sardenberg, of Venezuela and Brazil, respectively, also voiced their understanding of the Tribunal's limited jurisdiction to the application of existing international law.

While completing its task of establishing individual criminal responsibility in the armed conflict on the territory of the former Yugoslavia and thereby contributing to lasting peace and security in the area, the ICTY must live up to the highest standards with regard to the scrupulous interpretation and appropriate application of existing international humanitarian law, in accordance with its statute. Furthermore, pursuant to article 6 of the ICTY statute, the Tribunal does not have the competency to make findings on State responsibility. Defining the Tribunal's jurisdiction further, articles 6 and 7 are appropriately entitled "Personal jurisdiction" and "Individual criminal responsibility".

Any attempt to expand beyond the limits I just mentioned, and especially any attempt to impose

individual criminal responsibility without requiring a sufficient causal relationship between alleged criminal purpose and actual crimes, or even without requiring a specific intent to commit those crimes, which is the extended form of the joint criminal endeavour, also known as JCE III, is inconsistent with the current state of international humanitarian law and has the potential to seriously damage international criminal law — and not only international criminal law.

Indeed, if mere foreseeability of illegal violence, which always and inevitably looms over any military operation, automatically engages liability of all military or civilian officials with any kind of authority over the forces engaged, then all military and civilian officials with de jure or de facto authority over those forces would automatically be held liable for all criminal acts committed by any member of those forces. According to this concept, State and political leaders could be held responsible for offences committed by others who may share their goals, regardless of whether those leaders shared an intent to commit specific criminal offences as a means of achieving those goals. This novum in international criminal law and international humanitarian law, if confirmed, would seriously jeopardize, if not disable, States, including those whose representatives are sitting around this table, from conducting any kind of legal military operations, peacekeeping operations included, and would turn them into unpredictable endeavours.

Allow me to add that this type of liability of military and civilian officials, based seemingly more on the conflation of political considerations with criminal activities than on anything else, was already rightly rejected by the Tribunal in a number of its cases. It was also recently rejected by the Extraordinary Chambers in the Courts of Cambodia and, before that, by the first permanent criminal court to adjudicate the most serious international crimes, the International Criminal Court, and it has never even been contemplated in national jurisdictions.

Finally, let me stress that Croatia is confident that, in the last miles of its path, by strictly adhering to the mandate entrusted to it by the Security Council to apply the highest standards of international humanitarian law, the ICTY will make an immense contribution to international peace and security.

The President (*spoke in Spanish*): I now give the floor to the representative of Bosnia and Herzegovina.

Mr. Vukašinović (Bosnia and Herzegovina): I would like to thank the leadership of both the International Tribunal for the Former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals for their reports (see S/2017/436 and S/2017/434) and today's detailed briefings on the progress of work of their respective institutions.

We note the continued progress and steady work of the ICTY as it approaches the end of its mandate and forecasted closure at the end of this year. We also understand that certain circumstances continue to impede the work of the ICTY, but we hope that the Tribunal will finish its work in an efficient manner within the anticipated time frame in line with the relevant resolutions of the Security Council.

We welcome the continued activities carried out by the Residual Mechanism in the reporting period as it increasingly assumes its designated responsibilities. We hope that the Mechanism will draw and build upon the best practices of the ICTY and the International Criminal Tribunal for Rwanda and fulfil all conditions necessary for the successful completion of its mandate, with continued support from the international community.

Throughout the years, the cooperation of Bosnia and Herzegovina with the ICTY has been steadfast and full, as evidenced by the statistics of the Tribunal. In the same vein, we remain committed to contributing actively to the Tribunal's efforts to accomplish its mission, and we will continue in the same manner with the Mechanism.

In addition to cooperating with the ICTY, Bosnia and Herzegovina remains committed to improving the efficiency of domestic war crimes proceedings, bearing in mind that only an independent judiciary, as a basic pillar of democratic institutions, is able to render justice in an impartial way. In that regard, Bosnia and Herzegovina continues to further strengthen its national judicial system at all levels in order to bring to justice all those responsible for war crimes. The justice sector reform strategy adopted for the period 2014-2018 remains crucial to the long-term reinforcement of the rule of law and the further consolidation of the judicial system, including measures to improve judicial independence and efficiency.

We welcome the support of the European Union for the implementation of the strategy, and the support of the Organization for Security and Cooperation in Europe (OSCE) and the United Nations Development

Programme (UNDP), principally in connection with witness-protection activities and the appropriate assistance and support to victims.We are further pleased that the European Union has agreed to extend the joint European Union/ICTY training project for national prosecutors and young professionals from the former Yugoslavia, as it has played a very important role in building the capacities of the national justice sector for the past eight years and the efficient transition from the ICTY to national war crimes prosecutions.

The national war crimes strategy plays a crucial role in enhancing public trust in judicial institutions, and above all in the promotion of reconciliation. Its consistent implementation will continue to improve the consistency of juridical practices throughout the entire country at all levels. The implementation of the strategy is a complex process in which many institutions at all levels of authority in Bosnia and Herzegovina participate. Despite numerous challenges, important results have been achieved. This is reflected in a steady increase in the efficiency in prosecutions of war crimes cases and some progress in resolving outstanding Category II cases, as well as in issuing important indictments.

We believe that consistent cooperation among the Prosecutor's offices and the relevant authorities of Bosnia and Herzegovina, Serbia and Croatia, in accordance with the principles of international justice and rule of law, is crucial to investigating and prosecuting pending war crimes. The promotion of stronger and more coordinated regional cooperation therefore remains our priority, as a matter of principle, dedication to justice and reconciliation in our region.

Finally, the fight against impunity is a crucial precondition for sustainable peace, reconciliation and the rule of law. And it does not end with 2017. Processing war crimes, regardless of the national or religious origin of the perpetrators and victims, is of crucial importance to achieving our goal of building a peaceful and prosperous Bosnia and Herzegovina integrated into the European Union.

The President (*spoke in Spanish*): I now give the floor to the representative of Serbia.

Mr. Backović (Serbia): I thank you, Sir, for the opportunity to speak to the Council today as representative of the Republic of Serbia. I take this opportunity to welcome the Presidents and Prosecutor of the International Tribunal for the former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals. I thank them for their semi-annual reports.

Before I specifically address the reports, allow me to make a general statement in that regard.

The issue that we are concerned with is the scope of the mandate of the Prosecutor with respect to the issues addressed in the reports. The issues that are raised therein relate to the fields of education, history, politics, culture and social development. In that regard, while we definitely consider those issues to be worth discussing and addressing, the concern remains as to the scope of the mandate provided in the statute and the relevant resolution concerning the Residual Mechanism. We note two elements of that concern.

The first pertains to the members of the Security Council and is for them to deal with. What is the actual mandate that they have given to the Prosecutor? However, the other side of the issue, with which we are concerned as one of the ultimate beneficiaries of the mandate of the Prosecutor's Office, is the issue of the competence of legal professionals to deal with issues such as education, history and so on. To illustrate the point concerning the scope of the mandate, I would respectfully draw the Council's attention to the reports of the President and the Prosecutor. If we compare the two, we may be able to see what I am referring to in greater detail.

The key principle of the fight against impunity for the most serious international crimes is the proven, continuous commitment of the Member States. To prove their commitment, States need to align their normative framework with relevant international conventions and the ICTY statute, cooperate with the ICTY in order to enable efficient investigation and prosecution; and organize their domestic judicial systems in a way that enables independent, impartial and efficient war crimes proceedings.

If we are assessing today the extent to which Serbia has fulfilled these requirements, it is clear that Serbia has unambiguously shown its commitment. Our criminal legislation is fully aligned with relevant standards and enables cooperation with the ICTY, without exception, regarding all acts that the Security Council recognized in the ICTY statute as serious international war crimes. Based on this legislation, Serbia has proven its commitment, as clearly reflected in the number and rank of defendants — I emphasize

the word "rank" — who have been surrendered to the ICTY.

The Republic of Serbia has handed over 45 defendants to the Tribunal out of the total of 46 defendants whose surrender has been demanded from Serbia. One defendant committed suicide before he could be handed over to the Tribunal. Of that number, 14 defendants were arrested in the Republic of Serbia, four defendants were arrested abroad, in the framework of cooperation between national security services with foreign agencies, and 27 defendants voluntarily surrendered. No other country has surrendered even close to a number of high-ranking officials as Serbia has. That is — or should be — clear proof of Serbia's commitment to prosecuting war crimes.

In addition, Serbia has granted the ICTY Prosecutor free access to important evidence located in Serbia, such as documents, archives and witnesses. So far, Serbia has positively resolved 2,179 out of 2,180 requests for assistance received from the Offices of the ICTY Prosecutor and the Mechanism Prosecutor. Only one request from the Office of the Mechanism's Prosecutor, of a newer date, is currently undergoing the realization procedure.

Serbia has allowed 757 witnesses to testify freely, despite the right/obligation they had to withhold testimony due to the State, military or official rules regarding privileged information. One thousand three hundred and twenty-nine requests were issued by various defence teams, and no pending requests for assistance exist.

Serbia has carried out all 11 requests for witness protection, efficiently monitored all provisional-release cases and ensured that all accused were returned to ICTY detention upon request. Currently, Serbian authorities are monitoring two cases of provisional release, in connection with which those persons are in the process of being surrendered to the ICTY as well.

In parallel with the contribution to the ICTY's work, Serbia has shown an indisputable commitment to continuously fight impunity for core international crimes through proceedings before national courts. Serbian authorities have a strategic approach, as evidenced by the obligations that Serbia undertook via its action plan under chapter 23 and its national strategy for the prosecution of war crimes, adopted by the Government in 2016. Both documents have as a backbone the idea of zero tolerance for impunity regardless of the ethnicity, religion or rank of victims or perpetrators. Both documents have been welcomed by the most senior Serbian officials, as evinced in numerous public statements. Those facts stand squarely against the assertions made by the Prosecutor in his report.

The freedom of speech is highly ranked on the list of Serbian priorities. Every citizen is free to express her opinion without consequences, as long as those statements do not constitute a criminal offence. However, single statements by some individuals or civil-society organizations should not be interpreted as an official position of the State of Serbia. Serbian commitment should not be judged on anything other than results achieved so far in cooperation with the ICTY, prosecutions of war crimes before domestic courts and regional cooperation. Generalizations based on impressions, speculation, conjecture or innuendo cannot contribute to a fair assessment of the situation, as mandated by the statute.

We are aware that the prolonged procedure for the election of the new war crimes prosecutor raised some concerns. However, they did not affect the performance of the prosecutor; nor has it in any way halted progress in Serbia on prosecuting war crimes, or our commitment thereto. On the contrary, Serbia actively works on strengthening the capacities of the prosecutor. In addition to the appointment of the new prosecutor, the election procedure for three more deputy prosecutors is ongoing. Now that we have a new prosecutor in place, a new prosecutorial strategy will be finalized in a few months.

Trial monitoring of war crimes proceedings by civil society will start again in September, along with special ongoing training for judges, public prosecutors and police officers in charge of the investigation and prosecution of war crimes. Amendments to the criminal code were adopted few months ago in order to align it with the International Convention for the Protection of All Persons from Enforced Disappearance. Numerous activities have been undertaken in order to improve the status of victims and witnesses, in line with international standards. Ten indictments for war crimes against 21 individuals have been confirmed in Serbia in 2016 and 2017.

We understand the Prosecutor's concern about reconciliation and cooperation in the region, but I must emphasize that regional cooperation remains a priority

for Serbia. Our singular commitment is reflected in statistical data on regional cooperation, and the quality of our efforts can be the subject of assessment when we are talking about Serbia's commitment to regional cooperation. However, reciprocity is needed if we are to achieve more results in regional cooperation.

According to statistics from the war crimes prosecutor's office, as of December 2016 Serbia had positively resolved 38 of 52 requests coming from Bosnia and Herzegovina, and nine requests were denied while five are still pending; 50 out of 78 cases coming from Croatia have been honoured, with 11 requests denied and 17 are pending. In parallel, only 10 out of 22 Serbian requests have been positively resolved by Bosnia and Herzegovina. The result is even more worrying with regard to requests for assistance submitted to Croatia: only 10 out of 27 requests have been positively resolved.

Serbia should not be judged negatively because of its respect for its own Constitution, laws and court decisions, which all accord with the basic legal principles. After all, the rule of law and separation of powers are key principles of all traditional and modern democracies. Bearing that in mind, let me raise three questions.

First, could we elect the prosecutor or her deputies without conducting a procedure in accordance with relevant laws and contrary to the autonomy of the public prosecution office and the liberty of the members of Parliament to vote for or against proposed candidates? Of course, the answer is no.

Secondly, could we surrender the Petar Jojić, Vjerica Radeta and Jovo Ostojić contrary to an independent court decision based on the law of Serbia and the statute of the ICTY? In that regard, let me make three points. First, those individuals are not accused of war crimes. Secondly, those individuals are not accused of war crimes. And, thirdly, those individuals are not accused of war crimes. Those individuals are accused of contempt of court. The Serbian court applied the clear language of domestic law and the statute enacted by the Security Council in deciding not to surrender those three individuals. Again, they are accused of contempt of court, not war crimes. I would respectfully request that members please read the statute, in particular article 29, which was mentioned here today. That may help members understand why the Serbian court has refused to surrender them.

Thirdly, could we finisn *Djukić* case while ignoring the procedural rights of the accused? If there are any concerns about the length of trials, I would draw members' attention to the varying lengths of various trials, even at the Tribunal itself. Procedural safeguards and the rights of the accused, and respect thereof, are among the basic principles of modern democracies. To summarize in that regard, we believe that the rule of law cannot be enforced by violating. That is just not the way to enforce the rule of law.

In conclusion, Serbia's commitment to cooperate with the ICTY and deal efficiently with war crimes before its own courts is indisputable. The same goes for the Residual Mechanism. We want to believe that other Governments in the region are equally willing to work together on reconciliation, cooperation and stability in the region while all along supporting the ICTY and the Residual Mechanism in accomplishing their missions. We also hope that ICTY and Mechanism officials will recognize the efforts of our Government to promote those values.

The meeting rose at 12.40 p.m.

United Nations S/PV.7961

Security Council

Seventy-second year

Provisional

7961 st meeting

Wednesday, 7 June 2017, 3 p.m.

New York

President:	Mr. Llorentty Soliz	(Bolivia (Plurinational State of))
Members:	China	Mr. Zhang Dianbin
	Egypt	Mr. Aboulatta
	Ethiopia	Mr. Alemu
	France	Mr. Delattre
	Italy	Mr. Cardi
	Japan	Mr. Bessho
	Kazakhstan	Mr. Sadykov
	Russian Federation	Mr. Safronkov
	Senegal	Mr. Ciss
	Sweden	Mr. Skoog
	Ukraine	Mr. Yelchenko
	United Kingdom of Great Britain and Northern Ireland	Mr. Rycrof
	United States of America	Ms. Sison
	Uruguay	Mr. Rosselli

Agenda

The situation in Libya

This record contains the text of speeches delivered in English and of the translation of speeches delivered in other languages. The final text will be printed in the *Official Records of the Security Council*. *Corrections* should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-0506 (verbatimrecords@un.org). Corrected records will be reissued electronically on the Official Document System of the United Nations (http://documents.un.org).

17-16002 (E)

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The meeting was called to order at 3.05 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

The President (*spoke in Spanish*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Martin Kobler, Special Representative of the Secretary-General for Libya and Head of the United Nations Support Mission in Libya, to participate in this meeting. Mr. Kobler is joining this meeting via videoconference from Tunis.

The Security Council will now begin its consideration of the item on its agenda.

At this meeting, the Security Council will hear briefings by Mr. Kobler and Ambassador Olof Skoog, Permanent Representative of Sweden, in his capacity as Chair of the Committee established pursuant to resolution 1970 (2011) concerning Libya.

I now give the floor to Mr. Kobler.

Mr. Kobler (*spoke in Arabic*): First of all, I would like to wish peace, harmony and serenity to all those who observe the holy month of Ramadan in Tunisia and Libya.

(*spoke in Spanish*)

I would also like to congratulate Bolivia on assuming the presidency of the Security Council this month. I am participating in today's meeting to update the Council on the latest developments in Libya. Today, I would like to take a moment to reflect on the past before setting our priorities for the future.

(*spoke in English*)

When I came to Libya in November 2015, I continued the work of my predecessor, Mr. Bernardino León, who had patiently forged a political agreement after a year of diplomacy. As mediators will know, concluding an agreement is one thing, but implementing an accord is another. In Libya, the transition process has not been fully implemented. Parallel institutions continue to exist. The House of Representatives has not yet recognized the Government of National Accord nor has it adopted the constitutional amendment.

That said, the Libyan Political Agreement, nowever, has changed the facts on the ground. The Presidency Council has been working in Tripoli since 2016. Libyan oil production now exceeds 800,000 barrels per day, up from 200,000 barrels per day a few months ago. Da'esh, while still a threat, is a shadow of what it was just one year ago. Most importantly, whether one is a Libyan from Benghazi, Tripoli or Sabha, the Agreement remains the greatest hope for a solution to the crisis in Libya. The people of Libya desire peace; they desire security; they desire a country where their children have a brighter future.

In my last statement (see S/PV.7927), I laid out several priorities that still must be addressed. Where do we stand on the most important issues today?

First, there is consensus that the Libyan Political Agreement remains the framework of the political process. Despite criticism, there is overwhelming national and international support for the Libyan Political Agreement. However, the Agreement is not set in stone. After months of consultations with Libyan, regional and international stakeholders, we are developing a road map to allow limited amendments to the Libyan Political Agreement through an inclusive Libyan-led and Libyan-owned process.

I also see broad agreement on the areas where amendments are still needed. There are still different ideas on the format of talks. There is an agreement on the principles guiding the future talks however. My advice to the international community is to provide the necessary assurances and guarantees to implement what Libyans will agree upon. They cannot do this alone without the support of the international community. They need the Council's strong and unified support.

Secondly, let me turn to the military situation. The adversaries of a political solution seek to use violence to undermine efforts to reach a settlement. The attack on the Brak al-Shatti airbase on 18 May is an example. Radical elements, including some affiliated with Al-Qaida, massacred dozens of people. That inhuman act not only demonstrated complete disregard for human life, but was a deliberate attempt to undermine the political process. Unfortunately, the closer a settlement, the higher the threat of such violence. More of the same was seen when forces affiliated with the Salvation Government attacked in Tripoli at the end

of May. Fortunately, forces supporting the Presidency Council successfully defended the city and now control the capital.

Thirdly, there is an urgent need to unify the Libyan security apparatus. Yesterday, 6 June, I once more met with Field Marshal Haftar in Benghazi. He assured me that he wants to proceed on the basis of the Libyan Political Agreement, supporting a political process to amend the Agreement. I encouraged him to let politics prevail and not to pursue military confrontation. We agreed that a united Libyan security apparatus is vital for peace and prosperity. I recommended to Field Marshal Haftar that officers from all parts of the country should meet to discuss military matters. We stand ready to facilitate such a meeting, as we have done before.

In Tripoli, the security plan must now be extended to the entire city. State authority must be expanded. The authority of the Presidency Council over armed groups has to be strengthened. Those forces must be consolidated within the relevant ministries; command and control must be unified. The unification of the security apparatus must also occur at a national level. The only alternative is military violence.

In line with the guidance of Secretary-General Guterres on the prevention of conflicts, we do our utmost to ensure that dialogue prevails over confrontation, that unity prevails over division and that security prevails over chaos. The continued use of the military to achieve political goals will only harden positions. Instead, a political solution, including agreement on a civilian authority to command the security apparatus, is needed.

Fourthly, weaknesses in the economy and financial situation need to be urgently addressed. Despite the increase in oil revenue and the ability of the Presidency Council to agree on a new budget for 2017, the fundamentals of the Libyan economy remain flawed. The division of financial institutions, instability and low confidence in the banking sector continue to feed inflation and the lack of liquidity. The Central Bank has to decisively address the fiscal and monetary problems of Libya. Libya is still spending beyond its means and its foreign currency reserves are constantly shrinking. The dire economic situation and the explosion of the black market is feeding criminality and violence. It must be addressed if Libya is to pull itself out of its downward spiral.

Fifthly, national reconciliation is vital for establishing a durable peace in Libya. In that regard, I welcome the steps taken by the Presidency Council towards establishing a national reconciliation commission and beginning official consultations. Women and youth will play a critical role in any reconciliation effort. I am awed by the energy and optimism of the Libyan youth. During the youth conference convened by the United Nations Support Mission in Libya (UNSMIL) in May, numerous initiatives were proposed and linkages formed. Those efforts must and will be supported.

Sixthly, Many Libyans call for the increased involvement of the international community. Today I would like to recognize the contributions made by neighbouring States. As elsewhere, it is the neighbours who first feel the consequences and it is they who are part of the solution. On 8 May, I attended the 11th ministerial meeting of Libya's neighbouring States meeting in Algiers and am encouraged by the efforts of this forum to find a common position and solution. Yesterday, the meeting in Algiers of Tunisia, Egypt and Algeria took place and concluded with a declaration supporting United Nations efforts and the coherence of the international community.

With regard to politics, both the regional and international communities must come together to support the Libyan peace process — not in the spirit of interference, but rather in partnership and respect for the sovereignty of Libyan and international law. The Quartet's meeting in Brussels on 23 May was an increasingly important forum for harmonizing the positions of regional and international organizations — the African Union, the European Union, the League of Arab States and the United Nations.

The African Union also sent two delegations to Libya recently, including its High Representative and a ministerial delegation of the African Union High-Level Ad Hoc Committee on Libya. A collaborative approach in which all initiatives work in a complementary manner to advance the United Nations-facilitated political process is very much needed. Uncoordinated or parallel efforts risk undermining progress and complicating an already complex situation. We must move forward in supporting Libyan-led efforts to find a durable solution. Without progress in politics, the symptoms of the conflict will only worsen.

Migrants continue to die as they seek a better life. Women and men in detention facilities and prisons

live a nightmare. Basic humanitarian principles and humanitarian space are under threat. Five hospitals have been bombed this year and humanitarian supplies cannot reach many regions of Libya due to insecurity. The human rights situation remains of deep concern. Since March, 65 civilians were killed during armed conflict, some by indiscriminate bombing. We cannot remain numb to the suffering this conflict is causing; we cannot compromise the basic principles that unite us, that make us human; nor can we afford to abandon our hopes and desires for a better, more united Libya.

Finally, I would like to thank all the men and women of UNSMIL today, as well as the United Nations family. I admire the dedication I see in all of them — engineers, analysts and administrators alike. I know their work is often unrecognized. I would therefore like to take this opportunity to recognize them and salute their efforts. My last message, as always, goes to the people of Libya. I reflect upon the words of Libyan author Hisham Matar:

> "Dreams have consequences. There is no turning back. A revolution is not a painless march to the gates of freedom and justice. It is a struggle between rage and hope, between the temptation to destroy and the desire to build."

I am sure of one thing. The women and men of Libya will succeed in building a nation that of which they and their children will be proud. Their sacrifices have been too deep for anything less, their communities too strong to collapse and their hearts too full of courage to fail.

The President: On behalf of the Security Council, I thank Mr. Kobler for his briefing.

I now give the floor to Ambassador Skoog.

Mr. Skoog (Sweden): In accordance with paragraph 24 (e) of resolution 1970 (2011) of 26 February 2011, I have the honour to report to the Security Council on the work of the Committee established by the same resolution. The report covers the period from 20 April to 7 June, during which time the Committee met once in informal consultations and conducted additional work via the silence procedure.

During the informal consultations held on 19 May, the Committee heard a presentation by the Panel of Experts on its final report under resolution 2278 (2016) and discussed the recommendations contained therein. I will not summarize the report, as it will be published shortly under document symbol number S/2017/466. As per practice, Libya was invited to read the report after discussion in the Committee and prior to publication, in the offices of the Secretariat.

While the report received mixed reactions, Committee members expressed their support and appreciation for the work of the Panel of Experts. The main issues raised by Committee members during the discussion of the final report included violations of the arms embargo, human trafficking and migrant smuggling, issues related to oil and oil products from Libya, control over Libya's public financial institutions, the implementation of the assets freeze and the Panel's limited access to Libya. The Committee is in the process of concluding its consideration of the recommendations.

With respect to the arms embargo, during the period under review, the Committee approved three requests for exemption for temporary export to Libya, submitted under paragraph 9 (c) of resolution 1970 (2011). Those requests came from Austria, the Netherlands and Germany. The Committee also received a post-delivery notification from Austria and a notice of cancellation of temporary export from the Netherlands. Furthermore, the Committee responded to a request from the Republic of Serbia for guidance on the scope and implementation of the arms embargo. The Commimttee also dispatched a letter to Libya on the same subject. In connection with a previous request for guidance received from Greece following the receipt of certain information from Libya, the Committee wrote to both Greece and Libya again on the matter. The Committee also received an initial written report, submitted pursuant to paragraph 10 of resolution 2292 (2016), by the European Union Operation Sophia, of a vessel inspection undertaken on the high seas off the coast of Libya. Arms and related materiel were found on board that vessel, which was flying the flag of Libya. According to the ship master, the ports of origin and destination were Misrata and Benghazi, respectively. The Committee notified Libya of the inspection.

Also in the context of the arms embargo, the Committee received the name of its new focal point pursuant to paragraph 6 of resolution 2278 (2016), namely, His Excellency Mr. Mohamed T.H. Siala, Minister for Foreign Affairs. Mr. Siala recently provided written briefings to the Committee with respect to the Libyan coast guard, explosive ordnance disposal units, and the presidential guard.

Concerning the assets freeze, the Committee approved a request for exemption, submitted by Switzerland in accordance with paragraph 19 (b) of resolution 1970 (2011 in relation to the assets of the Libya Africa Investment Portfolio. Following the receipt of additional details from Canada, on an exemption request pertaining to an asset owned by a listed individual, the Committee's consideration of the matter is ongoing.

With regard to the travel ban, during the period under review, the Committee approved an exemption under paragraph 16 (a) of resolution 1970 (2011), received through the Committee secretariat as "the relevant UN office" pursuant to section 9 (b) of the provisional guidelines of the Committee, from Ms. Safia Farkash Al-Barassi, a listed individual who was authorized to travel between Egypt and Oman on the grounds of humanitarian need.

Lastly, the Committee continued its consideration of the previously reported two letters received from Malta concerning the activities of two vessels that, reportedly, were illicitly attempting to export petroleum products and fuel from Libya to other destinations.

That concludes my report. I would like to voice my appreciation for the work of the Panel of Experts, under the Committee and other committees. We know that at times the Panel works under very challenging circumstances.

The President (*spoke in Spanish*): I thank Ambassador Skoog for his briefing.

I shall now give the floor to the members of the Security Council who wish to make statements.

Mr. Rosselli (Uruguay) (*spoke in Spanish*): I would like to thank Mr. Martin Kobler and Ambassador Olof Skoog for their briefings. I believe that they both know that they have the full support of the delegation of Uruguay.

A year and a half after the signing of the Libyan Political Agreement, regrettably, there is still no visible progress being made in the country's political transition. The support received by the Government of National Accord within the Libyan political system has been negligible, which militates against the chances that it will be able to swiftly stabilize the country and again place it on the path towards normalcy. It is therefore imperative that the new Government galvanize broad support from the population in order to gain full legitimacy. Otherwise, it will be very challenging for it to eventually govern the country, or even most of its territory. Meanwhile, violence and clashes continue to spread. Dozens of militias on the ground hold the real power in Libya, turning a profit from various economic interests in an attempt to gain control of the oil industry and the illegal migrant trade.

We are also concerned that the date for the endorsement of the Political Agreement by the Tobruk-based House of Representatives has been postponed. A way to ensure that that occurs should be made in order to remove uncertainty and instability. Efforts should be intensified to allow for national reconciliation that meets the demands and proposals of all parties concerned.

In conclusion, we would like to voice our concern about the frustrating situation faced by migrants who use Libya as a transit country as they make their way to Europe. We continue to bear witness every day to tragic developments that result in hundreds of deaths, including of women and children. Hundreds of thousands of sub-Saharan migrants are now in Libya, hoping to be able to cross the Mediterranean. They are ill-treated and face gross human rights violations. We reiterate that, as we seek solutions to that problem, we must focus on the human rights of migrants and refugees. Only political and institutional stability in Libya will help to considerably reduce that phenomenon.

The President (*spoke in Spanish*): I shall now make a statement in my capacity as the representative of the Plurinational State of Bolivia.

Bolivia is grateful for the briefings made by the Special Representative of the Secretary-General and the Head of Mission of the United Nations Support Mission in Libya, Mr. Martin Kobler, and by Ambassador Olof Skoog, in his capacity as Chair of the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya. We take this opportunity to reiterate our support for the sensitive duties with which they have been entrusted.

We commend the work of regional and international actors to enhance coordination efforts in support of the political process and help Libya in its transition to democracy, such as the meeting held in Brussels on 23 May by the European Union, the African Union, the League of Arab States and the United Nations.

We are also especially alarmed by the plight of internally displaced persons. According to a report issued by the International Organization for Migration on 2 June, the more than 250,000 internally displaced persons are, to a large extent, the result of ongoing clashes among the various armed groups. Unfortunately, that is a clear illustration of the widespread violence in Libya. Similarly, we are very concerned about the incident that occurred on 18 May at Brak Al-Shati, which resulted in summary executions, in flagrant violation of international humanitarian law. We remind all actors and parties concerned that the only solution to the conflict is through a political transition, which has already begun and must continue. We therefore urge them to stop the fighting and relinquish any approach that calls for the use of weapons as a method to settle this or any other conflict.

In conclusion, we believe that such developments should encourage the actors and parties involved in the Libyan Political Agreement to redouble their efforts and take a decisive and resolute step towards agreement and consensus, which would enable them to conclude a peaceful, inclusive and orderly political transition, by and for the Libyan people, which respects the sovereignty, independence and territorial integrity of Libya.

I now resume my functions as President of the Council.

I give the floor to the representative of Libya.

Mr. Elmajerbi (Libya) (*spoke in Arabic*): At the outset, I would like to congratulate you, Mr. President, on assuming the presidency of the Security Council for the month of June. I wish you very success in your duties.

I would also like to thank Special Representative for the Secretary-General Martin Kobler for his important briefing. We highly commend the continuous efforts by Mr. Kobler to bring together the different points of views among the Libyan political actors and put an end to the political divisions and deterioration in Libya. I would also like to thank Ambassador Skoog of Sweden for the briefing in his capacity as President of the Committee established pursuant to resolution 1970 (2011) concerning the latest developments on the sanctions dossier in Libya.

The United Nations Support Mission in Libya (UNSMIL) has achieved the maximum possible level of convergence of viewpoints of the different political parties fighting over power. That convergence was exemplified in the signing of the Libyan Political Agreement on 17 December 2015. At the time, that Agreement garnerned wide support from all over Libya, as well as the approval of the majority of the House of Representative and the General National Congress. However, the intransigent positions of some parties have stalled the aqequate implementation of the Agreement. In that vein, we perceive the role played by the United Nations to be an important one. The United Nations ought to continue its efforts to surmount the political bottlenecks, which may include undertaking some limited amendments to the Political Agreement in a way that would ensure the commitment of all parties to implement it. That would lead the Government of National Accord to be the sole legitimate Government in Libya, which would pave the way for such a Government undertake all governmental functions all over Libya, including providing security.

Such an agreement requires the unification of the military under one civilian leadership. Its primary duty is to secure Libyan cities and borders and disarm militias, as well as facing the different challenges in the country, such as terrorism, illegal migration and securing the oil fields.

In that context, we would like to inform the Council that the security situation in Tripoli has recently experienced great improvement after forces affiliated with the Government of National Accord extended their control over all vital facilities. That has paved the way for the full return of UNSMIL to Tripoli.

I would be remiss not to commend the efforts made by Libya's neighbours to bring about a convergence in the differing points of view among the parties. The most recent communiqué issued by the ministerial meeting of Libya's neighbouring countries, which was held in Algeria on 5 June, stressed the need to abide by the Political Agreement under the auspices of the United Nations. It also stressed that there are no military solutions to the crisis in Libya.

We express our appreciation for all endeavours undertaken by the League of Arab states and the African Union to close the gap among the political parties and lead to a consensus that would contribute to stabilizing the situation and alleviating the suffering of the Libyan people.

Everyone is aware that my country faces numerous crises as a result of the worsening security situation, including the smuggling of fuel and oil products by armed gangs of criminals. Those gangs partake in many illegal acts, including human trafficking. In that regard, we hope that the Council will take into consideration the need to confront the perpetrators of those and other illegal acts, in order to safeguard the wealth of the Libyan people.

Turning to the frozen Libyan assets, according to resolution 1970 (2011), the Council called upon all Member States to freeze Libyan financial assets and other economic resources in their territories without delay in order to protect the interests of the Libyan people. The freeze on Libyan assets was lifted under resolution 2009 (2011), especially those relating to the Libyan Central Bank. However, the freeze continues to be imposed on a number of other entities, including the Libyan Investment Authority, which faces huge losses amounting to almost $1 billion annually. That is due to its inability to issue instructions to the entities keeping the books of those frozen accounts so that they might manage assets adequately.

When it was first introduced, the regime was not meant to punish Libya. Rather, it was a preventive measure to protect the assets against dissipation during the revolution and during the interim period after the fall of the previous regime. The freeze is leading to negative repercussions that hurt the interests of the Libyan people. I would like refer to the letter sent by Libya's Ambassador to the President of the Council (S/2016/275). We hope that the Council will take expeditious measures to amend resolutions 1970 (2011), 1973 (2011) and 2009 (2011) in order to allow for the Libyan Investment Authority to openly participate in managing funds in those frozen accounts and prevent further losses of Libyan assets. In that connection, the Libyan authorities are not calling for the lifting of the freeze on any assets. Rather, we ask for a resolution that includes an article that allows moving the money deposited in frozen accounts, investing that money and opening and closing accounts so that we can protect the value of the assets and increase the returns while they are frozen.

The meeting rose at 3.40 p.m.

United Nations S/PV.7962

Security Council

Seventy-second year

Provisional

7962nd meeting

Thursday, 8 June 2017, 10 a.m.

New York

President:	Mr. Llorentty Soliz	(Bolivia (Plurinational State of))
Members:	China	Mr. Wu Haitao
	Egypt	Mr. Moustafa
	Ethiopia	Mr. Alemu
	France	Mr. Delattre
	Italy	Mr. Lambertini
	Japan	Mr. Kawamura
	Kazakhstan	Mr. Sadykov
	Russian Federation	Mr. Zagaynov
	Senegal	Mr. Ciss
	Sweden	Ms. Schoulgin Nyoni
	Ukraine	Mr. Yelchenko
	United Kingdom of Great Britain and Northern Ireland	Mr. Rycroft
	United States of America	Ms. Sison
	Uruguay	Mrs. Carrión

Agenda

Threats to international peace and security caused by terrorist acts

Fifth report of the Secretary-General on the threat posed by ISIL (Da'esh) to international peace and security and the range of United Nations efforts in support of Member States in countering the threat (S/2017/467)

This record contains the text of speeches delivered in English and of the translation of speeches delivered in other languages. The final text will be printed in the *Official Records of the Security Council. Corrections* should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-0506 (verbatimrecords@un.org). Corrected records will be reissued electronically on the Official Document System of the United Nations (http://documents.un.org).

17-16188 (E)

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

Threats to international peace and security caused by terrorist acts

Fifth report of the Secretary-General on the threat posed by ISIL (Da'esh) to international peace and security and the range of United Nations efforts in support of Member States in countering the threat (S/2017/467)

The President (*spoke in Spanish*): In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Jeffrey Feltman, Under-Secretary-General for Political Affairs, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2017/467, which contains the fifth report of the Secretary-General on the threat posed by the Islamic State in Iraq and the Levant (Da'esh) to international peace and security and the range of United Nations efforts in support of Member States in countering the threat.

I give the floor to Mr. Feltman.

Mr. Feltman: At the outset, I would like to reiterate, on behalf of the Secretary-General, my solidarity with the people and the Governments of Iraq, Afghanistan, the United Kingdom, the Philippines, Egypt and Iran following the recent terrorist attacks on their cities. I call on all Member States to redouble their efforts to strengthen international cooperation to address terrorism and violent extremism, and bring those responsible for these despicable attacks to justice.

I am grateful for this opportunity to brief the Security Council on the fifth report of the Secretary-General on the threat posed by the Islamic State in Iraq and the Levant (ISIL) (Da'esh) to international peace and security and the range of United Nations efforts in support of Member States in countering the threat (S/2017/467).

The report was prepared with the input of the Counter-Terrorism Committee Executive Directorate (CTED) and the Analytical Support and Sanctions Monitoring Team of the Security Council Committee established pursuant to resolutions 1267 (1999) 1989 (2011) and 2253 (2015) concerning ISIL (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities, and in close collaboration with the Counter-Terrorism Implementation Task Force (CTITF), the United Nations Counter-Terrorism Centre and other relevant entities.

Since January 2016, the four previous reports to the Security Council on the threat posed by ISIL have focused on the global landscape; South-East Asia; Yemen and East Africa; Libya and Afghanistan; and Europe, North Africa and West Africa. This fifth report has taken a global approach, with a focus on the financing of terrorism.

The report stresses that ISIL, despite continuous military pressure, continues to resist, particularly in Mosul and Raqqa. At the same time, ISIL has reorganized its military structure, giving more power to local commanders, and is more focused than ever before on enabling and inspiring attacks outside of conflict zones.

The threat from ISIL has been intensified by its use of the Internet and social media to disseminate propaganda online to a wide international audience. Although the volume of such messages has declined over the past 16 months, the threat persists as supporters outside Syria and Iraq collect and redistribute that propaganda.

In Europe, ISIL has used its online presence to encourage supporters to mount attacks in their countries of residence. That has led to multiple attacks, including in Belgium, France, Germany, the Russian Federation, Sweden, Turkey and the United Kingdom. Some attacks were carried out by foreign terrorist fighter returnees, while others were conducted by individuals who had not travelled to conflict zones. Investigations demonstrate that the perpetrators, despite being sometimes labelled as lone actors, often received support or resources from facilitators and, in a number of cases, were in direct contact with ISIL enablers.

The report notes a decrease in the flow of foreign terrorist fighters and in the overall number of ISIL fighters during the past 16 months. However, returnees and the relocation of fighters from the conflict zones to other regions now present a considerable threat to international security.

Although ISIL's financial situation has steadily declined over the past 16 months, it continues to rely chiefly on the same two revenue streams, namely, sales of hydrocarbons and extortion/taxation, which may amount to tens of millions of dollars per month. ISIL has also drawn income from antiquities smuggling, agricultural products, the sale of electricity, exploitation of mineral resources such as phosphates and sulfuric acid, external donations, kidnapping for ransom and human trafficking. As ISIL loses its control on population centres and its forces continue to dwindle, it will also have substantially lower costs. Despite growing liquidity shortages, ISIL may be able to stretch further its existing resources.

ISIL continues to fund affiliates, while urging them to become more self-sufficient and proactive in developing internal revenue streams. Money services, including exchange houses and money couriers, continue to be a preferred method for ISIL and its supporters to move funds across borders. As Member States consider efforts to counter ISIL financing, a key concern is how to allow reconstruction and stabilization funds to flow into liberated areas, including by reconnecting international financial structures, without also enabling ISIL remnants to abuse those structures and exploit that new liquidity.

With regard to ISIL's evolving threat outside of Syria and Iraq, ISIL-affiliated groups in North Africa have shown considerable resilience and pose a serious danger. For example, while ISIL in Libya has been weakened after losing a significant portion of the territory it controlled, its threat persists in Libya and in neighbouring countries. In West Africa, ISIL is challenging established Al-Qaida affiliates. In East Africa, emerging ISIL affiliates operating in Puntland and parts of southern Somalia compound the threat posed by Al-Qaida's affiliates. Al-Shabaab, ISIL in Somalia and ISIL in Yemen represent an increasing menace. ISIL in Afghanistan is shifting its focus to the north of the country. The threat level has intensified in South-East Asia, with ISIL directing more of its attention, including its propaganda, at the region.

I welcome the efforts of the Council over the past months to adopt resolutions on countering terrorist narratives; protecting critical infrastructure from terrorist attacks; stemming the destruction, looting and smuggling of cultural heritage sites and artefacts, as well as their illicit trade and trafficking carried out by terrorist groups or in a context of armed conflict; and addressing the terrorist threat in the Lake Chad basin region.

Member States, the United Nations and international, regional and subregional organizations continue to strengthen existing tools while also developing new ones to address the rapidly evolving threat posed by ISIL, including the threat posed by returning foreign terrorist fighters. In that context, the report highlights some points that deserve attention.

First, since the adoption of resolution 2253 (2015), 11 associated individuals have been listed in the ISIL and Al-Qaida sanctions list. Among them, eight are listed as financiers or financial facilitators.

Secondly, Member States are making substantial progress on adapting their legal and operational frameworks to the requirements of Security Council resolutions in order to address the terrorist financing and foreign terrorist fighter threats. Notwithstanding that, more work needs to be done with regard to the implementation of those norms and mechanisms, including in the context of terrorist asset-freezing, cross-border movement of cash, and human rights-compliant travel measures to address the foreign terrorist fighter threat.

Thirdly, the efforts of United Nations entities, as well as those of other key actors, such as INTERPOL and the Financial Action Task Force, have helped strengthen regional and national frameworks to counter terrorism financing and stem the flow of foreign terrorist fighters. Other examples in the report include CTED's assessments and identification of good practices, and the capacity-building initiatives of the United Nations Counter-Terrorism Centre, the United Nations Office on Drugs and Crime and the United Nations Interregional Crime and Justice Research Institute, including on the legal and judicial aspects of terrorism financing, kidnapping for ransom and asset freezing, and border security and management.

The CTITF office and CTED recently concluded the second iteration of the Security Council-mandated all-of-United Nations capacity-building implementation plan to stem the flow of foreign terrorist fighters. While the projects and the plan continue to address the entire life-cycle of the foreign terrorist fighter phenomenon, the updated version focuses on the tail end of the life-cycle, with a number of projects related to prosecution, rehabilitation and reintegration to support Member States in their efforts to address returnees. A

number of projects have now been completed or are well under way. The plan now includes 50 projects, submitted by 13 entities, with a total budget of $107 million over five years. Forty-one per cent of the total budget is funded.

Fourthly, the United Nations is assisting Member States and regions most at risk and where United Nations support can bring added value. For example, the United Nations Counter-Terrorism Centre, as mandated by resolution 2195 (2015) and presidential statement S/PRST/2015/24, and in collaboration with other CTITF entities, is developing a regional all-of-United Nations integrated assistance for countering terrorism initiative for the Group of Five (G-5) Sahel countries, as well as a national initiative for Mali.

As mentioned in the report, the United Nations engagement in the Sahel will evolve in response to the continued threats posed by terrorism, violent extremism, transnational organized crime and illicit trans-border trafficking. Partnerships between the United Nations system and regional stakeholders need to be strengthened to effectively support G-5 countries' efforts to fight terrorism and illicit trafficking. The United Nations is renewing its engagement in the region, following an independent review of the Integrated Strategy for the Sahel.

Since the first report of the Secretary-General pursuant to resolution 2253 (2015), ISIL and its affiliates have remained under continuous military pressure and experienced significant setbacks. At the same time, ISIL is becoming an increasingly transnational threat, which severely undermines international peace and security. Consequently, the Secretary-General welcomes the focus that the Security Council has put on this matter and urges it to enhance multilateral cooperation to address the threats and challenges he has reported on.

The Secretary-General considers countering terrorism and preventing violent extremism to be one of the highest priorities of the Organization. That is why, in his report contained in documentA /71/858, currently being considered by the General Assembly, he recommends the establishment of a new office of counter-terrorism headed by an Under-Secretary-General. I am convinced that the new office will provide stronger leadership to our counter-terrorism efforts, enhance United Nations coordination and increase the impact of our assistance to Member States.

The President (*spoke in Spanish*): I thank Mr. Feltman for his briefing.

I shall now give the floor to those members of the Council who wish to make statements.

Ms. Sison (United States of America): I thank Under-Secretary-General Feltman for his briefing.

Defeating the Islamic State in Iraq and the Sham (ISIS) is an urgent priority. As noted in the report (S/2017/467) of the Secretary-General, the international community has made notable progress in degrading ISIS, but we have a long road ahead to ultimately defeat it. Thanks to the efforts of the United States-led global coalition, ISIS has not retaken any territory in Iraq and Syria from coalition forces since May 2015. Overall, with the support of the coalition, local ground forces have liberated more than 4 million people — 2.7 million in Iraq and 1.4 million in Syria. They have retaken more than 55,000 square kilometres of territory from ISIS, about 66 per cent of the populated territory ISIS once held in Iraq, and 47 per cent of the populated territory it once held in Syria. That is real progress.

While ISIS is losing territory and the ability to fund itself, we must stay vigilant to counter the evolving threat that it poses across the globe. We need to maintain pressure on regional and local safehavens. To advance that work, I should like to emphasize today three lines of effort: first, cracking down on ISIS's finances; secondly, addressing the threat posed by its foreign terrorist fighters; and thirdly, countering ISIS's terrorist messaging.

Isolating ISIS from the international financial system remains essential. The United States, since 2014, has sanctioned eight ISIS branches, along with more than 70 senior ISIS leaders, operatives, financial facilitators, recruiters and affiliated money-service businesses. We have also proposed that the Committee established pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning ISIL (Da'esh), Al-Qaida,and associated individuals, groups, undertakings and entities designate senior ISIS leaders, financiers, facilitators and affiliates for sanctions. The Committee's list must continually adapt to the evolving threat, such as by designating money-service businesses, as well as ISIS affiliates and their leaders.

When the Security Council starts its regular review this month of the ISIS and Al-Qaida sanctions, we will support any necessary modifications to make

sure that the sanctions are adapted to this evolving terrorist threat. Adapting our approach has been key to preventing the flow of foreign terrorist fighters. This has been and must continue to be a major part of our effort to defeat ISIS. Through diplomatic engagement and the global implementation of important Security Council resolutions, such as resolution 2178 (2014), we have seen significant progress, and that must continue.

INTERPOL has been essential to this effort. In the past four years, there has been a thousand-fold increase in the amount of information on foreign fighters shared with INTERPOL. INTERPOL now hold the details of more than 15,000 individuals provided by more than 60 countries, and that number continues to grow. Strengthening this shared resource empowers global law enforcement authorities, helping them to identify and disrupt foreign terrorist fighter transit networks.

We are concerned as highlighted by the Secretary-General in his report (S/2017/467), about the increasing number of foreign terrorist fighters returning to their countries of origin or going to third countries. Addressing this issue requires a truly global approach, and that should begin with improving information-sharing and cooperation at the international, regional and subregional levels. We all must get better at identifying foreign fighter returnees. Also, all countries must enact legislation, as required by resolution 2178 (2014), to strengthen their ability to prosecute related crimes.

We also must respond to ISIS's stepped up efforts to radicalize and recruit others to violence. To do so, we are working closely with our partners to combat ISIS's messaging and poisonous narrative. We commend the work of the Global Coalition Communications Working Group, which is led by the United States, the United Arab Emirates and the United Kingdom. The Working Group regularly brings together over 30 countries with media and tech companies to share information and strategies to counter violent extremist messages online and present positive alternative narratives.

We also applaud private-sector efforts to police ISIS-related content. Twitter has suspended more than 635,000 ISIS-related or ISIS-affiliated accounts since 2015. Facebook and YouTube are similarly removing ISIS-related content from their platforms that violate their terms of service. Meanwhile, Google is putting in place new and innovative ideas to redirect those who search for ISIS content to other content.

In closing, the United States, working in concert with our partners, will take aggressive action to defeat ISIS and adapt to changing threats. We call on the United Nations to do the same, helping Member States to strengthen their ability to counter ISIS, to adapt and to prevent the next terrorist threat from emerging.

Ms. Schoulgin Nyoni (Sweden): I should like to thank Under-Secretary-General Feltman for his comprehensive briefing. We also welcome the timely and relevant report of the Secretary-General (S/2017/467), which underscores a number of the significant features of the threat we face.

The attacks over the past weeks in Manchester, Kabul, Baghdad, London and Tehran are a stark reminder, if one were needed, of the continued and shared threat that we all face from terrorist groups. The aim of these acts is clear — to create fear and mistrust within communities and between countries. The attackers targeted women and children in Baghdad who were breaking their Ramadan fast with a treat of ice cream. In Manchester, they targeted young children seeing their favourite singer perform.

However, in the response to these most recent attacks, we have seen the opposite of fear and division. In fact, rather than fear, there were acts of courage and incredible bravery on the part of ordinary individuals. Rather than division, all sections of society across many countries came together in solidarity for vigils and marches that sent a message of unity and peace.

Since our last briefing in February (see S/PV.7877), our capital, Stockholm, was the target of an attack that is being investigated as a terrorist attack. The perpetrator is suspected of being a sympathizer or member of Da'esh. In response, thousands of Swedes gathered in Stockholm's central square to mourn the dead, but also in a show of defiance — showing, as our Prime Minister said, "that there is a strength in Sweden that nobody can take away from us".

Responding to the threat of terrorism requires solidarity not only within countries, but also between countries. In March, Sweden hosted the first Nordic Regional Meeting of Security Services, which included the participation of the Monitoring Team. As noted in the trip report, the terrorist threat posed by Islamic State in Iraq and the Levant in the Nordic countries is rising, in particular with regard to foreign terrorist fighters returning from conflict zones.

In order to counter and prevent the threat, we have introduced legislation specifically targeting foreign terrorist fighters and returnees. We have increased national inter-agency cooperation and taken steps to ensure that local actors are involved in the effort to prevent terrorism and violent extremism. Sweden now makes an assessment of each returnee, seeking to identify individuals who are deemed to pose a risk or suspected of crimes. If they are found to pose such a risk, they are monitored, investigated and tried.

As part of our strong focus on prevention, we are putting in place mechanisms aimed at safeguarding vulnerable individuals, targeting in particular those at risk of radicalization. In addition, rehabilitation and support for defectors requires a broad spectrum of interventions at all levels — municipal, regional and national. We stress the importance of strengthening the fight against impunity for terrorist acts, including by holding the perpetrators, organizers and sponsors of terrorist attacks responsible. All measures against terrorism must be taken in compliance with international law, including international human rights law, international refugee law and international humanitarian law.

We must all make every effort possible to cut off the supply of financing to terrorist organizations. Domestically, we have revised the offence of terrorist financing in line with the updated international standards mentioned in the report. Even though we had successfully prosecuted and convicted individuals for terrorist financing before these revisions, we believe that the updated legislation will provide our law enforcement authorities with new possibilities for prosecuting terrorist financing, in line with relevant Security Council resolutions and other international obligations.

We agree that information-sharing on risks, as stated in paragraphs 38 and 39 of the report, is an essential tool in the fight against terrorist financing. The more the authorities and the private sector know about the means through which terrorists attempt to finance their activities, the better our opportunities to put an end to it. Our ultimate goal in this regard must be to detect and stop attacks before they take place.

We encourage the Secretary-General to apply an integrated gender perspective in future reports, as mandated in resolution 2242 (2015). Among Swedish foreign terrorist fighters, several have been women. We want to reiterate the multiple roles played by women in relation to terrorism, including those of perpetrator, supporter, facilitator, victim and preventer. Each of these roles requires different approaches and strategies as part of our fight against terrorism.

The attacks we have witnessed over the last three weeks will not be the last. However, with a common will and collective action future attacks need not be inevitable. The message from those who have stood up with courage and dignity in the face of terrorist attacks is this: the resilience of the human spirit means that those who seek to sow terror will never truly succeed.

Mrs. Carrión (Uruguay) (*spoke in Spanish*): I thank the Deputy Secretary-General for his briefing on the Secretary-General's report on the evolution of the Da'esh threat to international peace and security (S/2017/467). The report also gives an account of the United Nations activities in support of Member States for the purposes of combating this threat.

The report refers to the geographical presence of this terrorist group and its affiliates, its growing transnational character, its constant adaptation to new circumstances, and the variety of methods it uses to perpetrate its attacks. It also refers to the initiatives carried out by the United Nations, its Member States and international, regional and subregional organizations to deal with the rapid evolution of the threat posed by Da'esh.

However, the recent attacks in Tehran, London, Kabul, Adwa, Baghdad, Manila, Manchester and Paris indicate that everything that is being done is not enough to protect innocent civilians from the barbarism of Da'esh and its affiliates. Uruguay views with concern the systematic execution of terrorist acts and reaffirms its absolute rejection of the use of violence against the civilian population, the use of intimidation aimed at disrupting the way of life of societies, shattering their basic principles and values, and undermining freedom and respect for the fundamental human rights that underpin peaceful coexistence.

We are aware of and thankful for the unceasing work of the United Nations through its bodies to prevent and combat terrorism in various key areas, as well as the work of many States and regional and subregional organizations. We would like to highlight some elements that we consider fundamental to succeeding in the fight against terrorism, which the international community must continue to strengthen and bring together.

The first of the elements is cooperation. More and better cooperation is needed. There is no doubt that cooperation and coordinated action in different areas and levels are necessary to combat the multiple facets of this complex terrorist phenomenon. This includes greater interaction between public and private actors and different sectors of civil society.

A second element we wish to mention is the primary responsibility of States to combat terrorism and the political will they must unambiguously have to achieve that goal. The development of national counter-terrorism strategies, while respecting the obligations of the United Nations Charter and international law, including international human rights law and international humanitarian law, is a fundamental aspect of this commitment, particularly in the countries most concerned.

A third element to highlight is technical assistance. It is essential that countries lacking the necessary capacities to prevent or combat such a complex and changing phenomenon, and particularly those most affected, can receive technical and financial assistance.

A fourth and last element that we wish to emphasize is prevention. In this regard, I would like to mention the recent resolution 2354 (2017), on a comprehensive international framework to counteract the discourse of terrorist groups, reflecting an effort to prevent and combat violent extremism that can lead to radicalization and terrorism. This element is part of the struggle in the field of ideas to which Uruguay attaches particular importance, and for whose sake it is necessary to seek and foster channels of dialogue between Governments and various non-State actors.

In addition, promoting tolerance and peaceful coexistence and bolstering respect for international law, the principles of the Charter of the United Nations, human rights and fundamental freedoms are the responsibility of States as members of the international community and contribute to preventing and combating terrorism and violent extremism.

Mr. Zagaynov (Russian Federation) (*spoke in Russian*): We should like to extend our gratitude to Mr. Feltman for his detailed and comprehensive briefing.

Given present-day conditions, as the Islamic State in Iraq and the Levant (ISIL) is morphing through the changing situation on the ground, the Secretary-General's strategic analysis is especially important. The group's significant losses notwithstanding, members of ISIL are managing to put up a military resistance in Mosul and are holding their grip on Raqqa. The group continues to spread its influence in various parts of the world. Against this backdrop, we see an ongoing reorganization of its structures and an adaptation to new conditions in the conduct of hostilities. The leadership of ISIL is curbing expenditures, funnelling money for the procurement of weapons and making regional units self-sufficient. ISIL continues to use the heinous and inhumane tactic of terrorist attacks. Yesterday, in Iran, tragedy struck once again. We extend our solidarity to the people and the Government of Iran and other States that have suffered at the hands of terrorists.

The Secretary-General's latest report (S/2017/467) on resolution 2253 (2015) contains an overall conclusion that terrorist revenue is gradually dwindling on the whole. At first glance, it might appear that Security Council mechanisms to combat terrorism financing are finally beginning to function at full capacity. However, such an assessment would be far too optimistic. Unfortunately, not all States conscientiously uphold their obligations in this sphere. Clearly, it is past time to stiffen the Security Council's sanctions mechanisms with a focus on the full financial and economic asphyxiation of ISIL.

For the moment, the reduction or curbing of revenue, as was repeatedly stressed by the Secretary-General in the report, is chiefly attributable to military losses incurred by terrorists, and yet the sources of the expansion of ISIL's budget have not significantly changed with time. Key sources — trade in hydrocarbons and extortion from populations in the territories held by the terrorists — remain. According to the information at our disposal, ISIL's proceeds from the sale of oil has dropped to between $12 million and $20 million per month, which is nearly three times less than what we saw in 2015. The achievement of such results has been possible thanks to the effective actions of the Russian Air Force during the counter-terrorism campaign in Syria. According to recent independent information, some 4,000 tankers have been destroyed, which has put 206 oil- and gas-producing facilities out of commission.

We have previously drawn the attention of the sponsors of the report to the need to avoid selectivity in assessing developments in the context of the struggle against ISIL in Syria and Iraq. For reasons unknown, the document fails to refer to the repeated liberation

of Palmyra, but highlights the fact that Manbij was liberated, which happened way back in the summer of 2016. The report further fails to mention information about civilian casualties during the operations of the so-called coalition to liberate Mosul.

We are closely tracking new sources of financing for ISIL and sharing the relevant information with partners abroad and specialized organizations, particularly the Financial Action Task Force. For example, recently ISIL is increasingly resorting to human organ trafficking. It is also participating in the transport of refugees to Europe and engaging in kidnapping for ransom.

In the struggle against terrorism financing, it is important to work in regional formats, including the Eurasian Group on Combating Money-Laundering and the Financing of Terrorism. We welcome the fact that the role of this organization is stressed in the report.

Terrorists have mastered all the nuances of Internet and social-network use for the recruitment of fighters and for the financing of their operations. We concur with the conclusions of the report, namely, that the recent terrorist attacks in Europe and Russia were the result of the large-scale proliferation of ISIL propaganda via online platforms. In a number of cases, instructions for carrying out terrorist attacks were delivered through mobile applications that used encryption.

An important step in countering terrorist propaganda was the adoption of resolution 2354 (2017), which set forth a comprehensive international framework in this realm. We consider the framework to be a solid foundation for further expansion of the Council's mechanisms in countering terrorist ideology, including by strengthening sanctions and law enforcement measures.

Despite the rivalry among the pro-Al-Qaida structures and the resistance of State bodies, ISIL continues to penetrate deep into the African continent. Recently, the level of the terrorist threat has risen in South-East Asia, including as a result of the active work of ISIL's propaganda centres. We agree with the assessment of the ISIL threat in northern Afghanistan, contained in the report. Despite the enduring impressive international presence in the country, we believe it is premature to refer to the allegedly weakened influence of Afghan factions of ISIL. This is especially true in the light of the recent tragic events in Kabul.

Evidently, the threat of the radicalization of the population, the actions of lone-wolf fighters, the creation of sleeper cells and full operational branches of large terrorist organizations have affected every State. It will be possible to stop the territorial spread of ISIL is possible only if we establish a single counter-terrorist front that defends our common values enshrined in the Charter of the United Nations.

Mr. Rycroft (United Kingdom): I thank Under-Secretary-General Jeffrey Feltman for his briefing just now.

At the outset, let me express my condolences to the Government and the people of Iran following the terrible attacks yesterday. In recent weeks, the United Kingdom has stood firm through senseless terrorist atrocities that targeted innocent people in Manchester and London. These attacks show the worst of humankind. They seek to intimidate us, to divide us and to undermine our resolve. They fail every time. In response, ordinary people show the best of humankind. In the United Kingdom, we witnessed the men and women of our emergency services, as well as members of the public, show the greatest courage, even risking their own lives to protect others from attack.

The Council has a duty now to show the same courage, the same resolve as those ordinary men and women in the face of such brutality. That is why the United Kingdom is playing a leading role in the Global Coalition to Counter Islamic State of Iraq and the Levant. Our collective efforts are bearing fruit. Da'esh has lost over two-thirds of the ground it once occupied in Iraq and nearly half of that held in Syria. More than 2.5 million people have now been freed from their tyrannical rule.

Make no mistake — we are defeating Da'esh on the ground. In Iraq, Mosul will soon be liberated. The Iraqi security forces, with the support of the Coalition, have successfully isolated Da'esh to a final holdout in west Mosul. Thanks to the valiant efforts of the Iraqi security forces, people are already starting to return to their homes in liberated areas. In Syria, operations against Raqqa have now begun. It is only a matter of time before Da'esh loses its so-called capital.

But, ultimately, degrading Da'esh effectively will take time, patience and sustained effort from the international community, including the Council. It is an effort that goes far beyond military support and that is why the Global Coalition is supporting the

Government of Iraq to restore security, governance and basic services across Iraq. Helping people rebuild their lives is the first step to winning the peace. To counter the longer-term threat of Da'esh, Iraqis need political reconciliation and reform, and in Syria, we need to see a long-overdue national political settlement and a transition to a Government for all Syrians.

The threat we face is changing. As we successfully degrade Da'esh in Syria and Iraq, we have seen its propaganda promote attacks elsewhere across the world. We have seen individuals inspired by these calls carryout careless attacks in the name of Da'esh. As it loses its caliphates, we are seeing its fighters flee. We must work together to deprive Da'esh of safe spaces across the world, tackling the threat of foreign fighters travelling to new havens or returning to home countries.

We must also bring an end to their havens online. The pervasive spread of Islamist extremism online has gone on for too long. As one of the leads on the counter-Da'esh communications effort and, in partnership with Coalition countries, the United Kingdom has successfully diminished the quantity, but also the quality and the impact of that hateful propaganda. We are working with the industry so that, together, we take a more proactive approach to terrorist and extremist content online. Engagement so far has resulted in companies strengthening their terms and conditions and the announcement of a shared database that will catalogue known terrorist content from the Internet. We have also seen a public commitment from Google, Facebook, Twitter and Microsoft to look at options for establishing an international industry-led forum focused on this issue. There is much more to be done, so let us call on industry to do the right thing and remove hateful extremist content from its platforms.

Finally, if we are to defeat Da'esh, we must hold it to account for its actions, whether online or in the real world, and seek justice for all Da'esh victims around the world. That is why the United Kingdom has launched a United Nations-led global campaign to bring Da'esh to justice that will show that Da'esh cannot act with impunity. It will act as a deterrent, both now and in the future, and help to strengthen global security. Time is of the essence. It is vital that we act now. We must start gathering evidence before it is lost or destroyed on the battlefield.

I therefore welcome the discussions we have had with the Government of Iraq on this issue and the significant statement by Prime Minister Al Abadi calling, at the end of March, for "the United Nations Security Council to issue a resolution to prosecute Da'esh's crimes against civilians". We believe the United Kingdom's proposal is the clear way forward for the Council to answer Prime Minister Al Abadi's call and we look forward to working with our Iraqi colleagues so that the proposal can be finalized as soon as possible.

Mr. Kawamura (Japan): I would like to begin by thanking Under-Secretary-General Jeffrey Feltman for his detailed briefing. Japan takes note and pays particular attention to the three points included in the briefing: first, that the Islamic State in Iraq and the Levant (ISIL) faces financial difficulty; secondly, that the flow of foreign terrorist fighters to Iraq and Syria has slowed; and, thirdly, that the number of ISIL fighters has significantly decreased.

These are positive developments, however, since the last report in February (S/2017/97), we have witnessed a number of terrorist attacks throughout the world, including in the United Kingdom, Afghanistan, Australia, Egypt, Indonesia, the Philippines, France, Sweden, Russia, Syria, Iraq and now in Iran. On this occasion, I would like to express again my deepest sympathy and condolences to the families of those victims and all the affected Governments. Now, as the Under-Secretary-General said, the threat posed by ISIL is evolving globally. While ISIL is experiencing military setbacks, foreign terrorist fighters are returning to their countries of origin or relocating to other regions.

As the report (S/2017/467) notes, the threat level has intensified in South-East Asia. Returnees to that region continue to pose a significant concern, as they could increase the military capabilities of local terrorist networks. Relocators from Iraq and Syria, who are not nationals of South-East Asian States, are another source of concern, as they are most likely unknown to the local authorities. We are alarmed by ISIL's evolving tactics, which include diversifying financial sources, disseminating propaganda through social media, exploiting encrypted applications and using broken travel. We have heard reports of the use of bitcoin and drones. ISIL employs those evolving tactics and we must be responsive to the counterterrorism resolutions and enhance our capabilities.

The Council has recently adopted resolutions on aviation security with resolution 2309 (2016);

international judicial cooperation with resolution 2322 (2016); the protection of critical infrastructure with resolution 2341 (2017); and counter-narratives with resolution 2354 (2017). The adoption of those resolutions is noteworthy, but their implementation is equally vital. Japan has implemented them and has also developed new measures. For example, we recently enacted laws to prevent terrorists from using bitcoin and virtual currencies, and to prohibit drones from flying over critical facilities, embassies, and nuclear plants.

The terrorist threat is global, and we must extend assistance to those in need as part of our collective response. Japan, for example, provided $35 million in March, mainly to South-East Asia, in the light of the increasing threat in that region. Those funds will be used to facilitate the implementation of relevant resolutions through concrete projects, including on advance passenger information, international judicial cooperation, INTERPOL databases and counter-propaganda.

Last week, a briefing was held by the Counter-Terrorism Implementation Task Force on the Capacity Building Implementation Plan for Countering the Flow of Foreign Terrorist Fighters, which was established by PRST/2015/11. While the plan was proposed two years ago, only eight Member States and two organizations have contributed thus far and only 41 per cent of budgetary demands have been met. Japan has contributed $12.5 million — that is, 12 per cent of the total budget. Japan invites all Member States to consider contributing to that plan as well, given the importance of implementation and impact.

The new office of counter-terrorism is expected to better coordinate our contributions and, consequently, to enhance counter-terrorism measures in all Member States. We must not lose that momentum. We must unite to fight against ISIL and other terrorist groups by implementing Council resolutions and developing our counter-terrorism measures.

Mr. Lambertini (Italy): At the outset, I should like to thank the Secretary-General for his clear and exhaustive report (S/2017/467) and Under-Secretary-General Jeffrey Feltman for his comprehensive briefing. Some issues are worth highlighting for today's discussion.

Daily brutal violent acts affecting civilians continue to occur. In that regard, we strongly condemn the most recent terrorist attacks in Afghanistan, in London and Manchester of the United Kingdom, in the Islamic Republic of Iran, in the Philippines, Iraq, Egypt and France. It is a long list of attacks that ocurred in a relatively short period of time and, while we want to express our deepest condolences to the families of the victims and our solidarity to the affected Governments, we also want to highlight that this is the most evident proof of the level of threat that we face.

We are also aware that the threat is increasing via hate propaganda. Security Council resolution 2354 (2017) raised awareness within the international community that strictly military counter-terrorism operations or attempts to block terrorist revenue sources are not enough. It is crucial that the credibility of their distorted interpretation of religion be undermined by effective and widely shared information and education through solid and durable cooperation with the private sector, internet service providers and social media platforms.

We also recognize the importance of the private sectors in fighting financial flows to the Islamic State in Iraq and the Levant (ISIL). We therefore welcome the report's emphasis on ongoing efforts aimed at strengthening multilateral frameworks to combat the financing of terrorism in national legislation and acknowledging the importance of providing the most explosive countries with technical assistance and training programmes.

We share the concern highlighted in the Secretary-General's report over trafficking in human beings and cultural property as a means of funding terrorist activities. Resolution 2347 (2017) on the illicit trade and trafficking of cultural property, as well as resolution 2331 (2016), which condemns all forms of human trafficking undertaken by Da'esh and other criminal groups, are milestones of paramount importance in that challenge. In that regard, I want to reiterate our strong condemnation of the smuggling of migrants and human trafficking that continues to endanger the lives of thousands of people along the journey through Africa and the Mediterranean Sea — made more appealing by its possible contribution to the financing of terrorism. I want to reiterate that in its ongoing efforts to combine security and solidarity, my country remains committed to rescuing and assisting the thousands of migrants who reach our shore.

We acknowledge that Da'esh will long remain the most serious threat to the security of our country. While

its military defeat in Iraq and Syria is only a matter of time, the international community must remain vigilant by helping to stabilize liberated areas and by countering and preventing the lingering global threats. The stabilization of liberated areas in Iraq, together with reforms and reconciliation are the strongest antidotes to the resurgence of a terrorist threat.

As for Syria, only a genuine political transition can bring about the conditions for completely uprooting ISIL and other extremist and terrorist actors from the country. In Libya, outstanding results have been achieved in he fight against Da'esh. Nevertheless, counter terrorism must remain a strategic priority. In order to make it more effective, we continue to support a solution based on a unified security force under the control of the Presidency Council. That will strengthen the legitimate institutional framework underpinned by the Libyan Political Agreement and the Security Council.

In time, Da'esh may turn into a more traditional terrorist and criminal organization with unique appeal and capabilities. The more the would-be caliphate disappears from the map, the more it might try to raise the profile through additional terrorist attacks in our homeland. In that regard, we welcome the report's emphasis on returning and relocating foreign terrorist fighters. Indeed, regardless of the size of flows, we share the concern over the risk of foreign terrorist fighters returning to their countries of origin or relocating to a third country.

Still, with respect to returnees, we appreciate the report's focus on legal aspects — stressing the centrality of the judicial response to terrorist criminal activity and the respect for the rule of law. We therefore believe that the most effective countries should receive technical and legal assistance in a timely and effective manner. Moreover, the experience gained in the Lake Chad basin highlighted in resolution 2341 (2017) should be considered a model for the larger-scale development of a strategy for the return, rehabilitation and reintegration of foreign terrorist fighters.

We welcome the report's reference to a human rights-compliant approach in countering Da'esh, which must remain central to the international community's counter-terrorism strategy. We cannot expect to build an effective and credible counter narrative without a crystal-clear record of upholding human rights and promoting fundamental freedoms, including when it comes to monitoring terrorists' exploitation of information and communications technology.

Finally, international cooperation is crucial to countering terrorism. The United Nations must continue to play a leading role in fostering law enforcement and judicial cooperation, including through its agencies and offices, to strengthen responses to ISIL at the regional and global levels. We therefore fully support the proposal to establish a new counter terrorism office in order to increase the effectiveness of United Nations assistance to Member States through enhanced coordination and streamlining. Likewise, Italy is closely following the implementation of resolution 2322 (2016) adopted on 12 December. The 8 May Arria Formula meeting, dedicated to the role of national central authorities, represents one of Italy's specific contributions in that regard.

Mr. Delattre (France) (*spoke in French*): At the outset, let me warmly thank Jeffrey Feltman for his illuminating presentation of the Secretary-General's report on the threat posed by Da'esh. I also convey, on behalf of France, my most heartfelt condolences to all of our partners who have suffered from the terrorist attacks of the last two weeks.

Nothing can justify the targeting of civilian populations and cowardly attacking innocent people, as occurred in Manchester, Baghdad, Kabul, Manila, London, and, yesterday, in Tehran — to cite just the most recent examples. More than ever before, we must be completely committed to fighting terrorism and to curbing the barbarism of Da'esh. The President of the French Republic, Mr. Emmanuel Macron, has strongly reaffirmed that this fight is a priority and has announced that France will step up its efforts in that area, in particular by establishing a coordination unit that would report directly to him.

The Secretary-General's report (S/2017/467) clearly points out that Da'esh has continued to suffer major defeats in Iraq and Syria, due in particular to the efforts of the international coalition. We must continue to fight Da'esh terrorists in their strongholds in Syria and Iraq and prevent them from extending their control over other areas in the Middle East, Libya and, importantly, the Sahel. In that regard, the start of the battle to retake Raqqa, which has led to the planning of attacks to be carried out in France and Europe, is a major issue and a top priority for my country.

But above and beyond our military efforts, I would like to emphasize three areas in which we can and must do better.

First of all, the fight against the financing of terrorism must remain a top priority, in line with resolution 2253 (2015). Although it cannot be denied that Da'esh is facing financial difficulties, we should not underestimate the ability of the group and its supporters to adapt and diversify their sources of income. We must therefore remain fully committed to drying up the sources of Da'esh financing. That will require specific and concerted efforts to monitor suspicious funds and transactions, reduce anonymity, limit the use of cash in the economy and strengthen cooperation among all institutions concerned.

Secondly, the dynamic flows of foreign terrorist fighters must compel us to constantly adapt our legislation and systems. Apart from the need to continue to prevent radicalization and stop people from leaving, we must anticipate the risks posed by those who might return and by fighters who decide to remain in a third country. That would mean improving our detection tools, strengthening information-sharing and devising an appropriate response when fighters and their entourage seek to return to our countries. It is an extremely complex exercise because every situation is different. In the case of France in particular, there are many women and children to be taken into consideration. We must be able to respond to that challenge; we are working on to address it.

Finally, we must continue and step up the fight against ideas. Since terrorists use digital technology to their advantage, we must also change the way we respond. Combating Da'esh via the Internet is a new element in our fight. We must therefore continue to have frank discussions with major Internet groups on ways to counter deadly Da'esh propaganda. Above and beyond the commitment from Governments, the effectiveness of our efforts also depends on the participation of civil society. The contradictions espoused by terrorist groups must be explained on the ground.

To counter those who wish to destroy our way of life, freedom and democracy, let us all be resolute in our multi-pronged fight, while maintaining respect for our values and the law. That will show that the United Nations is also engaged in the fight against terrorism and Da'esh.

Mr. Alemu (Ethiopia): I would like to express appreciation to Under-Secretary-General Jeffrey Feltman for his briefing, which was based on the fifth report of the Secretary-General on the threat posed by the Islamic State in Iraq and the Levant (ISIL) to international peace and security and the range of United Nations efforts in support of Member States in countering the threat (S/2017/467). We found the report very comprehensive and informative.

ISIL has indeed been under continuous military pressure, facing several setbacks on the battlefield, but what remains of serious concern is the fact that the group continues to inspire a range of attacks outside of the conflict zone. Returnees and fighters who relocated from conflict zones to other regions now pose a considerable threat to international security. Let me say in parenthesis that that has been a major problem in our region for a very long time — long before it was drawn to the attention of the Security Council.

With regard to East Africa, we already see ISIL cells in Somalia. The report acknowledges emerging ISIL affiliates operating in Puntland and in parts of southern Somalia. That certainly complicates the challenge of the terrorist threat posed by Al Qa'ida's affiliate Al-Shabaab, which remains a major threat to the region and beyond, as the report has quite rightly noted. There are also interesting reports by the Intergovernmental Authority on Development, which reinforce those findings and provide useful insights.

ISIL has found a foothold in North Africa in reaction to the continuous pressure in Iraq and the Syrian Arab Republic and has also become a source of concern in that region. As Under-Secretary-General Feltman stated, although ISIL in Libya has weakened after losing a significant portion of the territory it controlled, the threat persists in that country and the wider region. It is impossible to state that the trajectory is promising. The organization of Al Qa'ida in the Islamic Maghreb, the Islamic State in the Greater Sahara and factions of Al Qa'ida affiliates, such as Boko Haram and the number of terrorist attacks attributed to them show how ISIL is expanding in the wider region.

Restoring peace and stability in Libya, Mali and the Lake Chad basin is indeed critical to denying ISIL safe haven. What complicates the challenge in West Africa and North Africa is the link between terrorist groups and organized criminal networks involved in trafficking, in particular of weapons and related

material. That is why there should be renewed efforts to develop concrete regional and international cooperation to counter the threat posed by ISIL in those regions.

Enhancing the capacity of countries of the Lake Chad basin region, will continue to be very significant in countering ISIL and its affiliates operating in the wider region. In that regard, we reiterate our appreciation to the efforts of the Counter-Terrorism Implementation Task Force in assisting countries of the region to develop a counter-terrorism strategy and enhance their counter-terrorism capacity.

ISIL in Yemen continues to conduct deadly extensive multi-pronged attacks. ISIL in Afghanistan has also been trying to establish itself in a number of areas. The rise of ISIL groups in South East Asia has been of growing concern. The latest attack, in Tehran, which we condemn most vehemently, underscores the extent of the common danger that the world faces: terrorist-financing risks, the threat posed by foreign terrorist fighters and returnees, terrorist exploitation of information and communication technologies and social media and the internet. They are the new frontiers, as the representative of France pointed out. Vulnerabilities in certain sectors, including non-profit organizations and money remitters, remain serious challenges.

Such a huge challenge ought to compel the United Nations, Member States and regional, subregional and international organizations to forge meaningful cooperation, strengthen existing tools and develop new ones to address the rapidly evolving threat posed by ISIL and other terrorist organizations and their affiliates. One thing cannot be denied, namely, the world has yet to agree in a transparent manner on making the fight against terror a common top priority. We are not there yet. We should not kid ourselves on that point. Without a doubt, the case at hand is one of not putting one's money where one's mouth is.

In that connection, on 22 June, Ethiopia, together with Italy, will organize an Arria Formula meeting on the theme "Preventing terrorism and violent extremism in the Horn of Africa — enhancing partnership for regional efforts". We hope that the meeting will help enhance awareness about efforts being made in the prevention of, and the fight against, terrorism and violent extremism in the Horn of Africa and strengthen cooperation and collaboration among the Intergovernmental Authority on Development, the United Nations and other partners. We look forward to the members' active participation.

Mr. Yelchenko (Ukraine): I would like to thank Under-Secretary-Genera Jeffrey Feltman for briefing us on the findings of the Secretary-General's report (S/2017/467) on the Islamic State in Iraq and the Levant (ISIL). We are pleased that the Secretary-General has resumed the practice of providing a comprehensive review of this terrorist organization's presence throughout the world, which is important for a better understanding of an evolving threat posed by ISIL and its affiliates.

I join others in noting encouraging signs that resolute international efforts have become detrimental for ISIL. It is continually losing ground in Iraq and Syria due to heightened military pressure. I want to commend the Iraqi security forces and the international counter-ISIL coalition for their efforts to bring the liberation of Mosul to a successful conclusion. The crackdown on the terrorist stronghold in Raqqa, Syria, is the next decisive step towards ensuring the waning of ISIL's influence.

Ongoing problems in generating revenue have forced ISIL to cut support to its affiliates, thereby downscaling their abilities to expand their presence and to carry out massive attacks. Their attempts to move funds abroad open up opportunities for the international community to further deplete its financial resources by intercepting couriers and money transfers. A decrease in the numbers of foreign terrorist fighters travelling to Iraq and Syria and a diminished capability by ISIL to control its fighters have become tendencies that limit its manpower. Many States have started to review their national counter-terrorism legislation, including their respective strategies, the mobilization of resources and the establishment of specialized counter-terrorism units.

I would now also like to address a number of points of particular concern for us.

On the evolution of the threat, recent terrorist attacks across the world reveal a new trend, that is, to inspire rather than send fighters to carry out impromptu attacks in their own countries on behalf of ISIL. Such attacks are extremely hard to prevent. It is known that ISIL has established online groups to recruit and indoctrinate, as well as to disseminate operational strategies through private channels. How can we counter such threats?

First, we can eliminate drivers fuelling radicalization and by promoting social cohesion, which will allows States to greatly complicate terrorist tasks. Secondly, the development of counter-narratives will curb terrorist recruiters' efficiency in attracting new followers. Thirdly, fostering close contacts with local communities will go a long way in helping to identify radicalized elements early and to take necessary actions in order to disrupt terrorist plots.

With regard to terrorist financing, the Secretary-General's report indicates that there has been a significant decrease in ISIL's revenues from the illicit trade in hydrocarbons, largely due to military operations targeting related infrastructure. Yet the smuggling of natural resources continues and we lack information on the overall effectiveness of neighbouring countries' efforts to arrest vendors and identify buyers who contribute to financing terrorist activities. We would appreciate it if the Secretary-General could expand on that issue in his next reports.

As to returning foreign terrorist fighters, returnees undoubtedly pose a real threat, as they possess lethal skills and can put them to use with dire consequences. Therefore, there is a growing need to ensure a wider criminalization of foreign terrorist fighters and conduct an exchange of evidence of their crimes. Otherwise, they could be released and be free to travel. Another worrying fact is that some States deport foreign terrorist fighters to their countries of origin without informing the latter.

Rapid information-sharing, especially of the biometric data of foreign terrorist fighters, as well as the effective use of respective Interpol databases, should become a priority if we are to stem the flows of such fighters. Their abuse of asylum systems also constitutes a major problem at a time when the huge waves of migrants arrive from conflict zones in order to find shelter. It is time to take a more thorough look at that very serious and, at the same time, human rights-sensitive issue.

Recently, ISIL has suffered numerous setbacks and defeats on the battlefield. However, we are still far from completely eradicating ISIL. The terrorist organization has demonstrated its ability to regenerate and change shape, moving underground and resorting to asymmetric attacks when it is weakened. Therefore, the international community has to draw lessons from this and develop a viable "day after" strategy that will address and resolve the root causes that instigated ISIL's creation in order to prevent its resurrection.

Mr. Wu Haitao (China) (*spoke in Chinese*): China thanks Under-Secretary-General Jeffrey Feltman for his briefing.

China welcomes the Secretary-General's report (S/2017/467) on the threat of the Isalmic State in Iraq and the Levant (ISIL) to international peace and security.

Recently, Egypt, Afghanistan, the United Kingdom, France and Iran suffered terrorist attacks. The attacks caused enormous civilian casualties and significant property losses. Terrorism is a common enemy of humankind and its impact goes beyond borders. No country can respond to terrorism singlehandedly or insulate itself from the scourge. The international community should embrace the concept of a community bound by a common destiny, identify new trends and patterns in the evolution of terrorism, enhance cooperation and work collectively to respond to the threat.

First, we must garner international consensus on the fight against terrorism. Terrorism represents a threat to humankind. The international community should uphold unified standards, adopt a zero-tolerance approach without any distinction. Regardless of a terrorist's location, their pretexts, which country they are targeting or which tactics they use, terrorism must be fought with resolve. International counter-terrorism efforts must respect the sovereignty of the countries concerned, which bear the primary responsibility of fighting terrorism. Those efforts must also defer to the leading role of the United Nations and the Security Council and abide by the purposes and principles of the Charter of the United Nations. Terrorism shall not be associated with any specific ethnicity or religion.

Secondly, we must eliminate breeding grounds of terrorism. At present the major terrorist elements and forces are entrenched in conflict zones, including Iraq and Syria, benefiting from regional turmoil, launching terrorist attacks in regions beyond conflict zones and threatening regional and international peace and security. The international community should address regional hotspots with a heightened sense of urgency, encourage the relevant parties to resolve regional conflicts through political processes and dialogue, maintain regional peace, stability and development, and eradicate the causes of terrorism at an early date.

Thirdly, we must disrupt the terrorist transit network. With continuous progress being made in international counter-terrorism efforts, terrorist fighters are travelling to or returning to other countries in the relevant regions and beyond, seriously threatening the security of countries of destination, transit and origin. The countries concerned must enhance cooperation in the fields of border control and law enforcement, share information and intelligence, disrupt terrorist transit networks and respond collectively to the threat posed by returning terrorists.

Fourthly, we must cut off the financing channels for terrorist activities. These are increasingly diversified and include the plundering of natural resources; narcotics and human trafficking; and the smuggling of cultural relics, with the funds raised being used for terrorist activities. The international community must take countermeasures and implement the relevant Security Council resolutions, including resolutions 2199 (2015) and 2253 (2015); enhance financial regulations and enforcement cooperation; and crack down on all forms of financing by terrorist organizations.

Fifthly, it is important to suppress the use of the Internet by terrorist organizations. Terrorist organizations are using the Internet and social media as a platform to spread their violent and extremist ideologies and to disseminate terrorist propaganda as well as engage in financing, recruitment and the incitement and planning of terrorist activities. All States must fully implement the relevant Security Council resolutions and enhance cyber legislation, enforcement and regulation. The United Nations should play a coordinating role in the international community's efforts to carry out pragmatic cooperation and collectively crack down on the use of the Internet for terrorist purposes.

China is an important member of the international force against terrorism. In recent years China has participated in meaningful ways in multilateral counter-terrorism mechanisms, including the United Nations, the Shanghai Cooperation Organization and the Global Counterterrorism Forum. China will continue to participate and to promote multilateral and bilateral counter-terrorism cooperation, enhance the sharing of counter-terrorism intelligence, and provide counter-terrorism supplies and capacity-building to developing countries to the extent of our ability.

China stands ready to work with all countries to respond collectively to the threat of terrorism and violent extremism and to maintain international peace and stability.

Mr. Awad (Egypt) (*spoke in Arabic*): I should like to thank the Under-Secretary-General for his briefing.

The fifth report of the Secretary-General on the Islamic State in Iraq and the Levant (ISIL) (S/2017/467) covers many important aspects related to international counter-terrorism efforts. It includes specific proposals, but also reflects the existence of a number of gaps that should be focused on in future. We call on the Secretariat and the members of the Council to pay attention to them.

Allow me to summarize these gaps through a number of queries and observations.

First, paragraph 5 of the report notes that the flow of foreign terrorist fighters from many regions to Iraq and Syria has slowed and that the return and relocation of foreign terrorist fighters from conflict zones to other regions poses a threat to international security. We would like to have greater elaboration and more detail on these two points, in particular, how do foreign terrorist fighters still manage to reach Syria and Iraq? Which routes do they follow to get there, and how do they go from Syria and Iraq to other countries or regions? These are questions that should be answered.

Secondly, in the context of the problem of foreign terrorist fighters, paragraph 48 mentions that transit States are facing a challenge as they cannot detain, prosecute or extradite suspected foreign terrorist fighters on their territory in the absence of sufficient legal grounds and admissible evidence, and that there is therefore a risk that foreign terrorist fighters stopped in transit States will remain free to travel to other places.

The question here is, how can the Security Council address these security and legal gaps in its counter-terrorism efforts? We look forward to receiving specific proposals from the Secretary-General and the Secretariat as soon as possible.

Thirdly, paragraph 6 of the report refers to the use by ISIL of the Internet and social media for terrorist purposes. There is also a general recommendation in paragraph 61 on the importance of effectively monitoring the exploitation by terrorists of information and communications technologies. In this respect, there

should be specific recommendations to stem the flow of terrorists and stop the capacity of terrorists to recruit.

Fourthly, the report also indicates that although ISIL's financial situation has steadily declined over the past 16 months, it continues to rely on the same two revenue streams, in particular hydrocarbons and taxation. If ISIL is continuing to trade in hydrocarbons, who is consuming this oil? What are the means of moving oil from Syria and Iraq to the consumer or the buyer? We would also like information on the nature of financial transactions related to these activities.

Fifthly, pursuant to Security Council resolutions, including resolutions 2161 (2014), 2199 (2015) and 2253 (2015), all Member States have an obligation to prevent terrorists from benefiting, directly or indirectly, from ransom payments or from political concessions. In that vein, it is everywhere in the news that Qatar paid up to $1 billion dollars to a terrorist group active in Iraq in order to obtain the release of members of its royal family who had been kidnapped and detained in Iraq by that group while they were on a hunting trip. If proved to be correct, that alleged violation of Security Council resolutions will definitely have a negative bearing on counter-terrorism efforts on the ground. It represents clear support for terrorists. We therefore would like to know the Secretariat's view on the matter, namely, a Da'esh-linked group gaining access to such a sum of money at a time when efforts are being undertaken to liberate Mosul. We also want to know how the Security Council will respond to such flagrant violations of its resolutions. We propose that the Council launch a comprehensive investigation into the incident and other similar incidents. We look forward to incorporating the results of such investigations into the sixth report of the Secretary-General on the efforts to counter Da'esh.

Finally, my delegation wishes to see greater accuracy in the use of terms and concepts that have been heard recently at the United Nations. One term that has not appeared in our documents is "Islamic extremism". We hope that everyone realizes that there is no such thing as Islamic extremism. Islam is a religion that does not know extremism. There are individuals who use religion — the religion of Islam, or any other religion — as a cover for the terrorist ideology they wish to espouse. We therefore believe that the Council has taken a very important step in countering such ideology through the adoption of resolution 2354 (2017) and the Comprehensive International Framework to Counter Terrorist Narratives.

Mr. Sadykov (Kazakhstan): Joining previous speakers, I wish to offer Kazakhstan's deepest condolences to the Government and the people of Iran for the horrific terrorist attack that took place in Tehran on 7 June. We extend our sympathies to the bereaved families of the victims and wish a speedy recovery to the injured.

I thank the Bolivian presidency for convening today's briefing, and Secretary-General Guterres for his comprehensive report (S/2017/467) on the Islamic State in Iraq and the Levant (ISIL/Da'esh), Al-Qaida and their associates. I also wish to express appreciation to Under-Secretary-General Feltman for his insightful remarks. My delegation would like to make the following observations and recommendations.

Terrorism today has become one of the main threats to international peace and security. While the military pressure in Syria and Iraq may have somewhat reduced the strength and numbers of militants in centralized locations and caused their financial revenues to diminish, ISIL/Da'esh and Al-Qaida have intensified their terrorist activities across the world. The most recent terrorist acts have been as widespread in Europe — Saint Petersburg, Stockholm, London — as in Africa, with the attack in Alexandria, in Asia, with the attacks in Kabul, Manila and Tehran, and in Oceania, with the attack in Melbourne. They have all caused unspeakable human suffering and resulted in appallingly high losses of life.

Kazakhstan condemns terrorism in all its forms and manifestations. We reiterate that all acts of terrorism — wherever, whenever and by whomsoever committed — are criminal and unjustifiable, regardless of their motivation. We therefore call for rigorous concerted action to control and prevent such brutal acts. We call for the breaking up of terrorist networks and the bringing to justice of the perpetrators, organizers, financiers and sponsors of such violence.

We are seeing members of terrorist groups relocating to the different parts of the world, including to the Sahel region, South-East Asia and Afghanistan. We are also seeing closer interaction and cooperation among terrorist groups with different ideological platforms. The recent tragic events show that, at an increasing rate, foreign terrorist fighters are going from hot spots to other States or returning to their homeland. More challenging are the perpetrators who, without ever leaving their home countries, have become self-

radicalized as "lone wolves" or have made contact with terrorist facilitators and have copied scenarios they have found on the Internet.

We fully support Secretary-General Guterres' vision of giving priority to a preventive agenda and taking comprehensive measures at international, regional and national levels to prevent the dissemination of radical ideology and thereby effectively counter terrorism. We are convinced that the establishment of a single United Nations structure for countering terrorism will give a new impetus for a systematic approach and increase the effectiveness of United Nations activities in this area.

In his policy address to the United Nations entitled "Kazakhstan's Concept and Vision on Sustaining Global Partnerships for a Secure, Just and Prosperous World", dated 10 January 2017, the President of Kazakhstan, His Excellency Mr. Nursultan A. Nazarbayev, underlined that countering terrorism is one of the priority axes of Kazakhstan's membership in the Security Council. He called for unity among Member States and the establishment of a global anti-terrorist coalition under the auspices of the United Nations.

Soon after the adoption of the United Nations Global Counter-Terrorism Strategy in 2006, Central Asia was the first region to develop a joint plan of action for its implementation, which was a good model for cooperation and one that could be applied in other parts of the world. We have successfully completed phases I and II of our plan of action and are going to launch phase III at the High-level Dialogue on the Implementation of the United Nations Global Counter-Terrorism Strategy for Central Asia, to be held on 13 June in Ashgabat. We are honoured to welcome the presence of Secretary-General Guterres at that event. As of today, Kazakhstan has donated $300,000 to support activities of the United Nations Global Counter-Terrorism Centre in Central Asia, which is more than 10 per cent of the funding for the project. We are therefore both a sponsor of the Strategy and the leading donor country in the region.

It is crucial to mobilize the United Nations and all stakeholders, including intergovernmental organizations and non-governmental organizations, as well as international, regional and private banks, in consolidating, integrating and exchanging information on early-warning signals, financial intelligence, movements of terrorists and the financing of terrorism. Equally important is taking further comprehensive measures to shut down the channels of illegal transportation of hydrocarbons and the smuggling of artefacts and other valuables from Syria and Iraq. It is also crucially important to fully implement Security Council sanctions resolutions and regimes.

To that end, inter-State cooperation is most essential. We appreciate the noble efforts of the United Nations system in that regard. Along with monitoring progress on resolution 2253 (2015), it is equally important to monitor progress in the implementation of related resolutions, namely, resolution 2341 (2017), on protecting critical infrastructure from terrorist attacks, resolution 2347 (2017), on the destruction and trafficking of cultural heritage by terrorist groups in situations of armed conflicts, and resolution 2354 (2017), on countering extremist narratives.

We need to deter the increasing number of sympathizers of terrorism, who are lured by false propaganda utilizing sophisticated digital technologies and social media. The challenge is not only to achieve a true balance between the rights and duties of citizens, but to halt such influences. The use of military action alone will be ineffective. Through interpersonal interactions and online communication, new revised and inspiring messages must be presented to the younger generation. That calls for working with parliamentarians, religious leaders, educators, the private sector, civil society and the media. Much work has to be done in families, schools, communities and prisons, the latter being a fertile environment for radicalization. Partnering with deradicalized extremists, who after conversion can become powerful allies and agents of change, will improve public diplomacy.

Kazakhstan is fully committed to being a most engaged partner in the multilateral action to combat terrorism through the effective implementation of resolution 2253 (2015).

Mr. Ciss (Senegal) (*spoke in French*): At the outset, allow me to commend the Bolivian presidency for organizing this important meeting. I should also like to thank the Under-Secretary-General for his comprehensive briefing of the fifth report of the Secretary-General on the Islamic State in Iraq and the Levant (ISIL) (S/2017/467).

It appears that significant progress has been achieved in the struggle against ISIL, in particular in Iraq, Syria and Libya. That reflects the significant efforts undertaken by Member States to contain the terrorist threat with a view to ultimately stamping it

out. Clearly, the contribution of the United Nations Secretariat to that progress has been decisive, thanks in particular to the efforts of the Counter-Terrorism Committee Executive Directorate (CTED) and of the Analytical Support and Sanctions Monitoring Team aimed at bolstering international cooperation in counter-terrorism.

However, as is underscored in the report, the challenges posed by international terrorism remain concerning. That was tragically underscored in the attacks that took place recently. The Senegalese delegation would therefore like to reaffirm its firm condemnation of the terrorist attacks that recently took place through the world, in particular in London, Kabul and Tehran. Those acts reveal the perpetrators' enduring capacity to cause harm and only heighten our concerns with regard to the consequences of the use of international organized crime for the financing of terrorist activity. It also reflects the degree to which it is critical to implement resolution 2195 (2014) and 2347 (2017).

The persistence of the challenge of international terrorism is a further reminder of the overriding need to redouble efforts to counter the phenomenon of foreign terrorist fighters, whose return poses a grave threat to international peace and security, especially in areas of conflict where the State is struggling to assert its authority. The persistent challenge of terrorism furthermore requires an urgent establishment of peace, security and stability within countries and regions in crises, which have become safe havens for terrorists.

With regard to the African continent, the situation in Libya has been marked by a deadlock in the political process, which, more than ever before, remains troubling in the light of the threat being posed throughout the Sahelo-Saharan strip. The same applies to the Lake Chad basin, which remains unstable despite significant progress reported in combating Boko Haram. However, in Somalia, Al-Shabaab remains a major threat to peace and security throughout the Horn of Africa.

All of that is to say that we must undertake even greater efforts in countering terrorism financing, in particular by seeking better cooperation with regard to financial intelligence in counter-terrorism strategies. In that regard, I welcome the cooperation of the Analytical Support and Sanctions Monitoring Team with Senegal, which has led to the holding, in Dakar in December 2016, of the second meeting of intelligence service directors of West Africa, Central Africa and North Africa with a view to strengthening their coordination.

It is also critical to adopt reintegration strategies for former foreign terrorist fighters in order to put an end to the phenomenon of violent extremism, which is a real phenomenon and exists even in prisons. In that regard, the recent adoption by the Council of resolution 2354 (2017) is an important tool to stamp out extremist rhetoric and discourse and a decisive step forward in the right direction. Likewise, the joint briefing (see S/PV.7936) held last month by the Committees established pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015), 1373 (2001) and 1540 (2004) is an important example of a synergy of action in a context punctuated by the pressing need to step up international cooperation to prevent and combat the possession of weapons of mass destruction by terrorist organizations, but also to ensure the protection of critical infrastructure against terrorist attacks. In that regard, I would like to reiterate Senegal's firm condemnation of the use of chemical weapons in Syria and recall the need to conduct the necessary investigations in order to ensure accountability for the perpetrators.

In conclusion, I commend the ongoing commitment of States members of the Council to combat terrorism. I would like to take this opportunity to reiterate the firm determination of Senegal to remaining steadfastly engaged in this common cause.

The President (*spoke in Spanish*): I shall now make a statement in my capacity as representative of Plurinational State of Bolivia.

Bolivia wishes to thank Under-Secretary-General for Political Affairs Jeffrey Feltman for his briefing on the fifth report (S/2017/467) of the Secretary-General on the threat posed by the Islamic State in Iraq and the Levant (ISIL)/Da'esh to international peace and security and the range of United Nations efforts in support of Member States in countering the threat. As I was listening, I heard many of us remembering the areas that have been targets of terrorist attacks in recent months: Berlin, Istanbul, Kabul, Baghdad, Melbourne, Mogadishu, Saint Petersburg, Stockholm, Alexandria, Manchester, Paris, Manila, London and Tehran. Remembering the places in which hundreds of people have lost their lives and others have been injured reminds us of the fact that we are facing a global threat that requires a global response. The briefing by Under-Secretary-General Feltman, which showed that ISIL

has suffered setbacks in many areas of conflict, was very timely.

Bolivia is increasingly alarmed about the new ways in which ISIL/Da'esh is developing in terms of how it is carrying out its attacks and the countries in which it is doing so, above all with regard to financing. We must remember that ISIL/Da'esh has used its propaganda and information technology in order to attract sympathizers and to mount attacks in countries where it resides, focusing on methodologies to develop improvised explosive devices. The finances of Da'esh have been reduced somewhat, but they have compensated by imposing additional taxes over the popu'ations it controls and via trafficking in smuggled antiquities and agricultural products, selling electricity, extracting minerals, "foreign donations" and kidnapping for ransom and human trafficking, in addition to selling hydrocarbons.

We also condemn the destruction of, and trafficking in, cultural heritage — directly or indirectly — as well as, among others, the destruction of archeological sites, museums and libraries, which generates income for this terrorist group's recruitment and strengthening. It is all the more worrying that the Special Representative of the Secretary-General on Sexual Violence in Conflict has documented cases of "selling, gifting and trading" of women and children among fighters. We therefore urge Council members to join efforts to combat that human scourge.

We welcome the fact that United Nations Member States and regional, subregional and international organizations are continuing to develop and strengthen new tools to improve the response to those rapidly evolving threats from ISIL/Da'esh and from foreign terrorist fighters. Hov ever, we believe that is not enough. We urge that States provide adequate humanitarian protection and assistance to refugees fleeing from conflict zones, including support in connection with the increase in migratory flows owing to the impact of ISIL/Da'esh in such areas.

Finally, Bolivia supports the various initiatives put forward at this meeting, in particular those relating to cutting off financing for terrorism. In that connection, we highlight the fact that there is a need to focus on investigations into the use of financial safe havens for the funding of terrorism. In addition, we should take effective measures with regard to returning foreign terrorist fighters, as well as on countering terrorist propaganda.

At the same time, however, we think it is crucial that we not forget some of the structural causes of terrorism and the evolution, in this instance, of ISIL/Da'esh. Interventionist and regime-change policies are among the causes behind the wave of terror we are experiencing in many countries today.

I now resume my functions as President of the Council.

The meeting rose at 11.50 a.m.

United Nations S/PV.7963

Security Council

Seventy-second year

Provisional

7963rd meeting
Thursday, 8 June 2017, 3 p.m.
New York

President:	Mr. Llorentty Soliz	(Bolivia (Plurinational State of))
Members:	China	Mr. Zhang Dianbin
	Egypt	Mr. Aboulatta
	Ethiopia	Mr. Alemu
	France	Ms. Gasri
	Italy	Mr. Lambertini
	Japan	Mr. Akahori
	Kazakhstan	Mr. Temenov
	Russian Federation	Mr. Zagaynov
	Senegal	Mr. Ciss
	Sweden	Mr. Schoulgin Nyoni
	Ukraine	Mr. Yelchenko
	United Kingdom of Great Britain and Northern Ireland	Ms. Mulvein
	United States of America	Ms. Sison
	Uruguay	Mrs. Nuñez

Agenda

Reports of the Secretary-General on the Sudan and South Sudan

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The meeting was called to order at 3.05 p.m.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan and South Sudan

The President (*spoke in Spanish*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of the Sudan to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I now give the floor to Ms. Bensouda.

Ms. Bensouda: At the invitation of the Security Council, I have come from The Hague to provide my twenty-fifth report on the situation in Darfur, pursuant to resolution 1593 (2005).

When the Council referred the situation in Darfur to my Office, it represented a high-water mark in the international community's collective efforts to realize justice and accountability for the grave crimes under the Rome Statute committed in Darfur. Undoubtedly, that referral not only provided hope but also raised expectations for the thousands of victims in the Darfur situation that justice would be done. Some of those victims put their faith in the Council and in the International Criminal Court (ICC), and bravely came forward to tell my Office their accounts of the horrific events that they had witnessed and suffered. They often did so at great personal risk and cost.

The evidence obtained from those courageous witnesses provided, in large part, the basis for multiple warrants of arrest, including for Mr. Omar Al-Bashir, Mr. Ahmad Harun, Mr. Abdel Raheem Hussein, Mr. Ali Kushayb and Mr. Abdallah Banda. With the issuance of those warrants — and, in the case of Mr. Banda, the confirmation of the charges against him — hope for justice was high. Regrettably, however, for many that hope has increasingly been replaced by disappointment, frustration and even anger at the slow progress in the Darfur situation. Not one of the suspects for whom warrants were issued has been arrested and transferred to the International Criminal Court. Let us not forget: those men stand accused of multiple charges for some of the world's most serious crimes as foreseen under the Rome Statute.

Today, in this important public forum, I say to those victims and their families who continue to long for justice in Darfur, do not despair and do not abandon hope. Despite the many challenges, hope must not be lost, as my Office remains steadfast in its commitment to the task. When choosing between perpetrators and justice, time is in favour of the latter. The United Nations ad hoc tribunals for Rwanda and the former Yugoslavia offer examples that remind us that persistence and determination can result in the arrest and surrender of suspects many years after the issuance of arrest warrants.

I reiterate that my Office remains as determined as ever to pursue justice in Darfur. Despite budget constraints, I took the decision to add additional investigators and analysts to the Darfur team. That increase in the size of the team is yielding results. Existing cases are being strengthened through the collection of additional evidence. Extensive analytical work is also advancing those cases. My Office is also intensifying its investigations into new crimes allegedly committed in Darfur. I take this opportunity to publicly thank my team for their continued efforts in the Darfur situation and for their determination, resilience and professionalism in the face of extremely challenging circumstances, not least the continued policy of complete non-cooperation by the Government of the Sudan and the consequent inability to conduct in situ investigations.

Notwithstanding the challenges my Office continues to face, there are reports of some improvement in the conditions on the ground in Darfur. It is my hope that any genuine improvement may present those committed to peace and justice in the region with an opportunity to make progress.

As the Council is aware, the work of the African Union High-level Implementation Panel, the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and other major stakeholders has led to reports of some recent improvement in the Darfur situation. For example, at the briefing to the Council on UNAMID in April (see S/PV.7912) it was noted that fighting between the forces of the Government

of the Sudan and armed opposition movements had diminished and that the cooperation of the Government of the Sudan had improved. UNAMID access to areas in Jebel Marra that were previously off-limits was reported to have improved, although, as my report makes clear, any increased access will count for little if not maintained.

Of course, as my report also notes, serious problems persist in Darfur. In May, after the briefing I just mentioned, there were reports that the Sudanese army, supported by the rapid support forces, clashed with armed opposition movements in North and East Darfur.

In addition, internally displaced persons continue to be subjected to multiple crimes, including in particular alleged attacks against their camps and sexual and gender-based violence. In that regard, I note that in resolution 2340 (2017), adopted in February 2017, the Council deplored

> "the violations of international humanitarian law and human rights violations and abuses committed by Government of Sudan security forces, their proxies, and armed groups, including those opposing the Government of Sudan, against civilians, including IDPs, particularly in the Jebel Marra area" (*resolution 2340 (2017), sixteenth preambular paragraph*).

I welcome the Council's call, as articulated in that resolution, for all armed actors to refrain from all acts of violence against civilians.

My latest report also highlights a worrying increase during the reporting period of arrests and prolonged detentions of human rights activists and political opponents of the Government of the Sudan. Challenges remain in Darfur. Nevertheless, I cautiously welcome reports of some improvement in the Darfur situation.

As members of the Council have noted on numerous occasions, including in response to my biannual reports, lasting peace in Darfur can be achieved only if the root causes of the conflict are addressed. Those causes are multiple and complex, but they include the pervading toxic culture of impunity in Darfur for Rome Statute crimes. Tackling impunity and pursuing justice for atrocity crimes in Darfur is the task that the Council mandated to my Office. It is a mandate that I will continue to pursue independently, vigorously and impartially, without fear or favour. But I need the renewed support of the Council and of all States, in particular those that are party to the Rome Statute.

In 2005, through resolution 1593 (2005), the Council triggered its de facto and de jure relations with my Office regarding the Darfur situation. Those relations and obligations did not stop upon the adoption of that resolution; on the contrary, they only commenced at that juncture with the expectation of adequate follow-up action and support as necessary. I once again ask this body to provide tangible support for the work of my Office concerning the Darfur situation. In particular, I renew my long-standing request for the support of the Council in relation to efforts to execute the arrest warrants issued by the Court against the suspects in the matter. I am equally compelled to repeat my request for the Council's assistance in facilitating financial assistance by the United Nations for my Office's work in the Darfur situation.

Before the July judicial recess, the Pre-Trial Chamber of the Court will decide whether South Africa acted in non-compliance with the Rome Statute when it failed to arrest and surrender Mr. Al-Bashir in June 2015 and, if so, whether to refer South Africa to the Assembly of States Parties to the Rome Statute of the ICC and/or the Security Council. In making its decision, the Chamber will have the benefit of submissions by South Africa, Belgium, the Southern Africa Litigation Centre, as amicus curiae, and my Office. Taken together, those submissions will allow the Chamber to formulate a reasoned decision that, I hope, will provide the basis for improved coordination among my Office, the Court, States parties and the Council in future efforts to arrest and surrender the Darfur suspects. Those collective efforts are needed now more than ever.

In terms of travel to States parties, most recently Mr. Al-Bashir travelled to Jordan on 29 March 2017. Despite being reminded by the Registry of its obligations to arrest and surrender Mr. Al-Bashir, regrettably Jordan declined to do so. As a consequence, the Pre-Trial Chamber II invited Jordan to provide submissions on that issue for the purpose of a determination by the Chamber on whether to make a formal finding of non-compliance and refer the matter to the Assembly of States Parties and/or the Security Council. At Jordan's request, on 2 June, the Chamber decided to extend the deadline for those submissions to the end of the month. Regrettably, Mr. Al-Bashir's travel to non-States parties also continues. On another occasion, under diplomatic pressure, Mr. Al-Bashir

ultimately did not attend the Riyadh summit in Saudi Arabia scheduled for 20 and 21 May, as previously planned.

Inviting, facilitating or supporting the international travel of any person subject to an ICC arrest warrant is inconsistent with a commitment to international criminal justice. It is also an affront to the victims in Darfur. The States that make up the Council have the power, independently and collectively, to influence and incentivize States —whether or not parties to the Rome Statute — to assist in the efforts to arrest and surrender the Darfur suspects. That applies equally to regional organizations. I respectfully ask the members of the Council to exert that influence in support of the independent and impartial justice my Office is trying to achieve with regard to Darfur.

At a minimum, the Council should demonstrate its support for the work of my Office by taking concrete action in response to decisions of non-compliance or non-cooperation referred to it by the Court. To date, there have been 13 such decisions, and yet not one has been acted upon by the Council. By failing to act in response to such Court decisions, the Council is in essence relinquishing and undermining its clear role on such matters arising from the Rome Statute, as negotiated and adopted, and pursuant to resolution 1593 (2005). I again urge the Council to give serious consideration to the proposals previously advanced by New Zealand and other States for practical and meaningful ways to respond to such referrals by the Court concerning non-compliance and non-cooperation.

As part of those proposals, I also recall that New Zealand pointed to the clear need for the Council to find a way through the current impasse in its relations with the Government of the Sudan. My Office wholeheartedly supports that suggestion. In that respect, it is worth noting that in response to my twenty-fourth statement to the Council in December of last year, the representative of the Government of the Sudan referred to the "important and noble goal of combating impunity" *(S/PV.7833, p. 18)*. If the Government of the Sudan is genuine in its commitment to combating impunity, then the Council should invite it to demonstrate that commitment by beginning a new phase of cooperation with the Council and the Court.

Before concluding my update on cooperation, I note that, while my Office faces challenges in securing cooperation from a number of States, it continues to benefit from the helpful cooperation of a number of other States in relation to the Darfur situation. For that, I express my sincere gratitude and look forward to continued collaboration.

In conclusion, in resolution 2340 (2017) the Council specifically calls on the Government of the Sudan to undertake

> "effective efforts to ensure accountability for violations and abuses of human rights and violations of international humanitarian law, by whomsoever perpetrated" (*ibid. twenty-second preambular paragraph*).
>
> Such efforts at accountability must surely include the full cooperation and assistance from the Sudan to the Court. Such cooperation is specifically required by resolution 1593 (2005), which referred the Darfur situation to my Office. Doing so would demonstrate in clear terms the Sudan's commitment to justice for the victims of Rome Statute crimes in Darfur — the country's own citizens — and a recognition of their suffering.

I also respectfully ask for the renewed engagement of the Council with my Office, in particular in relation to the arrest and surrender of the Darfur suspects. It is imperative that we work together to restore faith and renew hope that justice for the victims in Darfur will finally be realized. Accountability is a prerequisite for sustainable peace in Darfur. My Office continues to seek that accountability. I ask the Council to fully assume its responsibilities arising from resolution 1593 (2005) and to support our efforts in the interests of justice, stability and sustainable peace in Darfur. Should the Council invest in accountability by adequately supporting my Office's work in Darfur, it will surely reap its peace dividends. Let us not forget that the olive branch of peace is barren without the trunk of blind justice.

The President (*spoke in Spanish*): I thank Prosecutor Bensouda for her briefing.

I shall now give the floor to members of the Security Council who wish to make statements.

Ms. Mulvein (United Kingdom): I would like to thank the Prosecutor for her twenty-fifth report on the situation in Darfur, the continued commitment of the Prosecutor and her Office to the investigation and for her briefing.

At the outset, let me express the United Kingdom's full support for the International Criminal Court (ICC) and for its vital work to challenge impunity and bring to account those responsible for the most serious crimes of international concern. We appreciate the important role that the ICC plays, often amid difficult conditions on the ground. That is clearly the case in Darfur. Fifteen years of violence there have shown that there can be no military solution to the conflict. Lasting peace can be realized only with the agreement of a permanent ceasfire and an inclusive political settlement that addresses the root causes of the conflict.

The United Kingdom had welcomed the reduction in military confrontation between the Government of the Sudan and the Darfur armed movements. The announcements of unilateral cessations of hostilities by the Government, the Sudan Liberation Army/Minni Minawi and the Justice and Equality Movement in recent months. We were hopeful that that signalled the parties' willingness to engage genuinely in the peace process. Therefore, we are deeply concerned by reports of renewed clashes in recent weeks between the Government and the Sudan Liberation Army/Minni Minawi. The ongoing risk of violence has a detrimental impact to the safety of civilians and the overall stability of Darfur.

We also continue to be extremely concerned about the use of sexual violence in the conflict, although we note the recent decrease in instances. We urge all parties to show restraint, abide by the unilateral cessations of hostilities and focus their efforts on the peace process under the auspices of the African Union High-level Implementation Panel.

On a more positive note, the United Kingdom welcomes the improvements in access for the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and humanitarian actors in Darfur, in particular to Jebel Marra. We urge the Government of the Sudan to strive for unfettered access throughout Darfur. That will enable the Prosecutor to carry out her investigation and UNAMID to carry out its mandate to protect civilians and facilitate humanitarian assistance. Like the Prosecutor, we remain concerned by reports of continued attacks against internally displaced persons and that some access restrictions remain in place. In the light of the fragile security situation in Darfur, the United Kingdom urges that any changes to UNAMID during the upcoming mandate renewal be done in a manner that is gradual, flexible and retentive of the nation's ability to continue to protect civilians.

Over the course of 25 reports, the Prosecutor has consistently made it clear that the Court needs the cooperation of States and the support of the Council in order to move forward on the situation at hand. We all need to look carefully at what more we can do in order to ensure that the Court receives the support that it deserves. The United Kingdom will continue to call on the Government of the Sudan to meet its obligations under resolution 1593 (2005) to cooperate fully with the Court, execute outstanding arrest warrants and fulfil its international obligations.

The United Kingdom is frustrated that fugitives of the Court, including President Al-Bashir and Mr. Hussein, continue to travel unhindered. We appreciate that States may sometimes have conflicting commitments to other regional and international organizations, but we join the Prosecutor in urging those States to consult with the Court.

For our part, we will continue to raise our concerns with the relevant Governments with the ultimate goal of achieving justice for the thousands of victims in Darfur. We renew our call to all States parties to cooperate with the ICC and to abide by their Rome Statute obligations.

We welcome the renewed vigour with which the Office of the Prosecutor is approaching the investigation. The Office should be commended for the progress that it has made on the investigation despite the fragile security situation, the access restrictions, the continued clashes and the lack of cooperation.

Finally, the United Kingdom would like to offer its appreciation for the effort that the Office of the Prosecutor has put into making the most effective and efficient use of the resources that it has available. I take this opportunity to reaffirm the United Kingdom's commitment to supporting the Court as both a State party to the Rome statute and a member of the Security Council.

Mr. Alemu (Ethiopia): We thank Prosecutor Fatour Bensouda for her briefing. We have great respect for her and the responsibility that she has. There should be no doubt about that, despite the differences that we have had — and still have.

We strongly condemn the recent attack carried out by an unidentified group against peacekeepers of the African Union-United Nations Hybrid Operation in

Darfur (UNAMID) in Nyala, in South Darfur state. We mourn the death of the Nigerian peacekeeper and express our condolences to his family, as well as to the people and the Government of Nigeria.

The topic of this afternoon's discussion is very important to us indeed, for obvious reasons. Time and again, we in Africa have affirmed our unflinching commitment to fighting impunity and promoting democracy, the rule of law and good governance throughout the continent, in line with the Constitutive Act of the African Union. That has been empirically validated by bold actions taken by the African Union (AU) in recent times. When it comes to the International Criminal Court (ICC), many African Union member States have ratified the Rome Statute, faithfully subscribing to its cardinal objectives and principles. Unfortunately, the manner in which the International Criminal Court has been operating ended up being a major disappointment and left a very bad impression in Africa. That is why Africa has been expressing a serious reservation about the ICC, and this has been reflected in a number of decisions adopted by the policy organs of the African Union.

On the issue of the Sudan and the ICC in particular, the African Union was convinced that the referral by the Council of the situation in Darfur to the ICC and subsequent developments as it related to the President of the Sudan would cause more harm than good. That it would seriously undermine the ongoing efforts aimed at facilitating the early resolution of the conflict in Darfur was in no doubt.

In view of the delicate nature of the peace process, the AU repeatedly requested the suspension of the proceedings against President Omar Al-Bashir of the Sudan and urged the Security Council to withdraw said referral to the ICC. Given the indispensable role that the Sudanese President was playing for peace, not only in the Sudan but also in the subregion in general, it was the conviction of the AU, including at the summit level, that the whole effort was short-sighted, with grave implications for the peace and security of the region.

The position taken by the AU was not by any means the result of an emotional reaction motivated by the urge to defend an African leader regardless; far from it. Past experiences on our continent and elsewhere amply demonstrate the need to balance justice on the one hand, and security and reconciliation on the other, in complex conflict situations. It is in the light of this fact that we in Africa have been insisting on the importance of finding homegrown solutions to some of the intractable conflicts on our continent.

It is on the basis of this understanding that the African Union requested said deferral, in accordance with article 16 of the Rome Statute, under Chapter VII of the United Nations Charter.

It is indeed regrettable that Africa's repeated requests have so far been neither heard nor acted upon. That is why we feel that it is our obligation, as an African member, to reiterate once again the request made by the African Union, which should be responded to by the Council with a view to promoting lasting peace and reconciliation in the Sudan.

The undue politicization that has victimized the President of the Sudan needs to come to an end. I hope that Prosecutor Bensouda will come to this conclusion, for which she will need the support of the Council.

The fact that Sudan has been playing a constructive role in dealing with peace and security issues in the region is not widely recognized. President Omar Hassan Al-Bashir has indeed been demonstrating the political leadership and commitment necessary to resolve the Darfur issue and also address outstanding issues with South Sudan.

As we have been saying for quite some time now and as acknowledged by the various reports of the Secretary-General, including the recent special report on the strategic review of UNAMID (S/2017/437), the situation in Darfur has continued to show marked progress. The hostilities between the Government of the Sudan and rebel forces have decreased substantially, and the security situation on the ground has improved significantly.

I wish to applaud Prosecutor Bensouda for recognizing and appreciating this fact. The Darfur peace process laid out by the African Union High-level Implementation Panel and supported by UNAMID has also achieved some progress. This notwithstanding, the lack of constructive engagement by the leaders of the remaining armed movements has been a major obstacle.

Of course, we also recognize that a lot remains to be done in addressing the root causes of the conflict in Darfur and ensuring long-term stability. It is for that reason that we would like to call on the Government to redouble its efforts to implement all the remaining tasks. The international community should also live

up to its commitments, and the Council in particular should exert pressure on the armed movements to negotiate seriously to put an end to the suffering of the people of Darfur.

Finally, we condemn in the strongest terms the attacks conducted by the armed movements in Darfur on 19 and 20 May, aimed at undermining the implementation of the ceasefire and reversing the positive momentum registered so far. We urge the leaders of these armed groups to lay down their arms and join the political process without delay. Of course, as already indicated, the case against the President of the Sudan is so weak that its continuation makes no sense. In fact, it would only damage the credibility of the Council, for the lack of action concerning the issue would not be consistent with the primary responsibility that the Council has for international peace and security.

Mr. Aboulatta (Egypt) (*spoke in Arabic*): At the outset, I should like to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her briefing today before the Security Council on her twenty-fifth report pursuant to Security Council resolution 1593 (2005). In that regard, allow me to stress the following points.

First, there is a unified African position regarding the manner in which the ICC deals with certain issues relating to Africa, which is reflected in the resolutions adopted at African Union (AU) summits. Africa, pursuant to these resolutions, stresses, inter alia, that at a time when the continent is committed to combating impunity in accordance with the AU Constitutive Act, the ICC proceedings against President Omar Al-Bashir, President of the Sudan, must be suspended.

Secondly, the AU summit resolutions urged the Security Council to withdraw the referral to the ICC of the situation in Darfur, and I have expressed strong concern at the fact that the Security Council has not responded to the request of the AU in this regard.

Thirdly, the ICC must not take any measure that could jeopardize peace, security, stability or the dignity, sovereignty and safety of the countries of the continent. The ICC must respect the provisions of international law relating to the immunity accorded Heads of State and other senior officials during their tenure.

Fourthly, and in conclusion, we reject any action taken against any African country under the pretext that it has not complied with its obligations under the Rome Statute or on the basis of its non-cooperation pursuant to Security Council resolution 1593 (2005), because it did not arrest President Al-Bashir and hand him over to the ICC, especially given that there is an obligation on AU member States in this regard under the relevant AU summit resolutions and the AU Constitutive Act.

Mrs. Nuñez (Uruguay) (*spoke in Spanish*): I would like to thank the Prosecutor of the International Criminal Court, Ms. Fatou Bensouda, for her comprehensive briefing on the twenty-fifth report on the activities of her Office on the situation in Darfur in the Sudan. We believe that these transparent and frank briefings provide added value to the analysis of issues that fall within the competency of the Security Council.

At the outset, Uruguay takes this opportunity to reiterate its full support for the role of the International Criminal Court as an institution that was created to strengthen the rule of law at the international level by judging those who are responsible for the most serious human rights violations, which affect humankind as a whole. In this regard, we renew our appeal to States Members of the United Nations that are not yet parties to the Rome Statute to join it, which would contribute to the universalization of this instrument designed to fight against impunity and defend the victims of crimes so atrocious that they constitute a serious threat to the peace and security of all humankind.

We regret that the situation with regard to this subject has remained practically unchanged since December, the last time we addressed it (see S/PV.7850). Having listened to Ms. Bensouda's briefing this afternoon, we wish to express our dismay at the lack of cooperation of the States parties to the International Criminal Court and the lack of observance and implementation of the Rome Statute. Uruguay, as a State party to the Statute, is concerned about all cases of non-cooperation with the International Criminal Court. In this particular case, it is worth recalling resolution 1593 (2005), which states in paragraph 2 that

> "the Government of Sudan and all other parties to the conflict in Darfur shall cooperate fully with ... the Court and the Prosecutor ... [and] urges all States and concerned regional and other international organizations to cooperate fully".

Uruguay supports and is prepared to work to ensure that the Council plays a more active role in considerin instances of non-cooperation with the Court and to make sure that arrest warrants are executed, a necessary

condition for the Court to be able to sufficiently comply with its mandate.

Ms. Bensouda stressed that the Prosecutor's Office had welcomed the action proposed by New Zealand last year. Uruguay agrees that such proposals could empower the Security Council to take concrete action in cases of non-cooperation with the Court. In this regard, the Council should adopt a more structured approach to considering cases of non-cooperation. It is also imperative to resolve the current impasse between the Council and the Government of the Sudan in this regard, taking advantage of the improvement in their relationship with respect to the political process in Darfur and the performance of the African Union-United Nations Hybrid Operation in Darfur.

In conclusion, I would like to send a message of encouragement and congratulate the Prosecutor for her work to investigate the crimes committed in Darfur, which undoubtedly promotes the strengthening of the rule of law and the formation of a society in which perpetrators of crimes are held accountable and the rights and guarantees of all inhabitants are fully respected.

Ms. Sison (United States of America): I thank Prosecutor Fatou Bensouda for her briefing this afternoon.

The need to bring justice to the victims of atrocities in Darfur is overwhelming. For over a decade, Darfur has been synonymous with suffering and unchecked impunity. In responding to a rebellion, the Government launched what became a brutal campaign against the Fur, Masalit and Zaghawa populations. As time went on, the conflict in Darfur grew into a staggering crisis, with thousands murdered, hundreds of thousands deliberately deprived of the basic means of survival, and millions displaced from their homes. Many of us will never forget the first shocking reports of Janjaweed militia on horses and camels storming into villages to kill, rape, torture and burn.

The International Criminal Court (ICC) has examined and charged a horrific list of crimes in the Sudan: genocide by killing, genocide by causing serious bodily or mental harm, genocide by deliberately inflicting conditions of life calculated to bring about the physical destruction of targeted groups, the crimes against humanity of torture, murder and rape, and war crimes, including pillaging and deliberate attacks on peacekeepers. For years, the conflict continued even expanding into other parts of the Sudan.

During that time, we have consistently supported efforts to provide justice and accountability for crimes committed in Darfur and to finally break the cycle of impunity. At the same time, recognizing that the people of Darfur yearned for fewer bombings, less bloodshed, less conflict and greater stability and safety, we have also focused on seeing an end to the conflict. Through bilateral engagement, we identified concrete steps to make tangible improvements in the lives of ordinary Sudanese and have seen results. The Government of the Sudan has taken meaningful positive steps with respect to the conflict, including committing to a unilateral cessation of hostilities, and while some violence persists, we have not seen Government military offensives in this period as we have in every other year since these conflicts began.

The Government of the Sudan has also worked closely with our own to begin to address regional conflicts, improve humanitarian access, combat the threat of terrorism and eliminate the threat of the Lord's Resistance Army. There is certainly more progress to be made on these fronts, but these are welcome steps towards a better future. Indeed, we now see the possibility of long-term progress that we hope will lead to more respect for human rights, more accountability, more rule of law and more justice for Sudanese victims.

But as we see encouraging signs of a new approach to addressing long-standing conflict and hope that further engagement will spur additional progress, we must also be clear: we must neither forget the victims nor the perpetrators of the crimes in Darfur. We cannot simply turn our backs on the victims of genocide who were forced from their homes and left to die of thirst or starvation or on the thousands of women and girls who suffered acts of brutal sexual violence or on those who were targeted on the basis of their ethnic identity. There will be no stable and lasting peace in the Sudan without justice for the many victims of crimes related to the conflict. As Ambassador Nikki Haley has said here in the Security Council,

> "[i]n case after case, human rights violations and abuses are not merely the incidental by-products of conflict, but the trigger of conflict" (*S/PV.7926, p. 4*).

If we do not address the victimization that has occurred and the magnitude of the violations and abuses inflicted,

any peace will be hollow and easy to shatter by those seeking revenge for themselves, their loved ones and their communities.

In the years since the conflict in Darfur began, we have seen inspiring examples of accountability across the globe, where those leaders who targeted their own citizens in order to maintain a stranglehold on power have been forced to face justice. Former Ivorian president Laurent Gbagbo is now in court in The Hague, while Charles Taylor and Hissène Habré are serving lengthy prison sentences. Beyond Africa, senior former Khmer Rouge officials in Cambodia have been sentenced for war crimes and crimes against humanity, and leaders responsible for Dirty War era crimes in Latin America and atrocity crimes in the former Yugoslavia have also been held to account.

The Council should not let the Sudan be an exception. Having referred the situation in Darfur to the ICC over 10 years ago, we must continue to demand the Sudan's compliance with the Council's decisions. While victims have not yet seen justice and refugees and internally displaced persons continue to struggle years after the conflict began, it is unacceptable that President Al-Bashir still travels and receives a warm welcome from certain quarters of the world and unacceptable that none of the Sudanese officials with outstanding arrest warrants have been brought to justice.

Therefore, as we pursue more engagement with the Sudan and greater relief and protection for the survivors of the conflict, we must also recommit to supporting accountability to bring a just and lasting peace to the people of Darfur.

Mr. Akahori (Japan): I would like to begin by thanking Prosecutor Bensouda for her briefing.

Japan expresses its gratitude to the Office of the Prosecutor for its tireless efforts in the fight against impunity, despite the challenges it faces in Darfur.

Security Council resolution 1593 (2005) explicitly states that the Government of the Sudan and all other parties to the conflict in Darfur shall cooperate fully with the International Criminal Court (ICC) and the Prosecutor. Japan urges full implementation of this resolution so that Member States can uphold the credibility and legitimacy of the Council. We share the Prosecutor's frustration over the difficulties in this area. We believe that the Council could do more to address non-compliance.

While noting ongoing efforts among States parties of the Rome statute of the ICC to improve cooperation with the Court, States parties should make further efforts to prevent future non-cooperation by utilizing various measures. The tool kit prepared by some States parties, including Japan and Senegal for this purpose, is one such available and useful measure. Japan also takes note of the exchanges between the ICC and Jordan on the incident in March this year, as well as of the ongoing proceedings in the Pre-Trial Chamber II concerning South Africa. Japan will continue to follow these developments closely.

Japan is encouraged by the improved security situation in Darfur. However, we are concerned by the recent fighting between the Government and the Sudan Liberation Army/Minni Minawi and other rebel forces. We underline the importance of a permanent ceasefire based on the African Union High-level Implementation Panel road map to resolve the conflict in the country. In this regard, we continue to strongly support the Joint Special Representative, President Mbeki, and his good offices.

There are, unfortunately, still 2.7 million internally displaced persons in Darfur according to the special report on the strategic review of the African Union-United Nations Hybrid Operation in Darfur (S/2017/437). Japan is concerned that these internally displaced persons are vulnerable to various forms of violence, including sexual and gender-based crimes. Perpetrators of these and other crimes in Darfur must be brought to justice. Japan emphasizes that the Government's obligations with regard to the Prosecutor and the ICC remain unchanged.

I would like to conclude by reiterating Japan's continued support to the activities of the ICC. Japan looks forward to concrete progress on this issue.

Mr. Yelchenko (Ukraine): We are grateful to the Prosector for her detailed briefing on the situation in Darfur. This is the third report our delegation has heard since we joined the Council in 2016, and we find it alarming that so little progress has been made in the ensuing period and actually since the Security Council referred the situation in Darfur to the International Criminal Court (ICC) over 10 years ago. We welcome the recent months' reports of the visible improvement of the situation in Darfur and we recognize the positive role of the Sudan's Government in this.

Nevertheless, we remain deeply concerned about violations of international humanitarian law, human rights violations and abuses, including attacks against camps of internally displaced persons (IDPs), sexual and gender-based violence and other crimes committed in Darfur in the past. The Council should pay special attention to these crimes. It is even more alarming that those most responsible for them are not held accountable. The ICC is not the one to blame for the current situation. On the contrary, we commend the efforts the Office of the Prosecutor of the ICC has undertaken to move the process forward.

However, the Court's capacities are limited when it comes to execution and enforcement measures. The ICC relies entirely on States' cooperation in carrying out arrests and surrendering suspects. Resolution 1593 (2005), on Darfur, obliges the Government of the Sudan and all other parties to the conflict to cooperate fully with and provide any necessary assistance to the Court and the Prosecutor. Unfortunately, the Sudanese authorities continue to question the Court's jurisdiction.

The travels of the Darfur suspects across international borders with total impunity, including during the reporting period, is also a matter of concern. In this regard, we call on all actors in the region and beyond to fully comply with all their commitments and obligations without exception and ensure full cooperation with the ICC. We would like to emphasize that non-compliance with ICC decisions and requests undermine the foundations of the international criminal justice system. In this respect, we welcome the decision of Gambia to revoke its withdrawals from the Rome Statute. We hope to see its full cooperation with the Court as the next step.

We should consolidate our efforts against impunity. Failure to bring to justice those responsible for the worst crimes promotes further violations. The inevitability of punishment, irrespective of position or the nationality of perpetrators, is a sine qua non.

Finally, I would like to thank the Prosecutor for her dedicated efforts. We hope that her work, despite the challenges just mentioned and limited resources, will bring concrete and tangible results.

Mr. Lambertini (Italy): I would like to thank the Prosecutor of the International Criminal Court, Ms. Fatou Bensouda, for the twenty-fifth report on the International Criminal Court (ICC) and the situation in Darfur, as well as her briefing today and her tireless efforts that we see each time she is in the Chamber.

Yesterday, in the Chamber, we discussed the completion strategy for the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia (see S/PV.7960). Italy stressed the fact that the closing of the Tribunal did not mean the end of the fight against impunity. Today, with specific reference to the referral situation in Darfur to the ICC, let me say that we have a collective responsibility to ensure coherence with the requests that the Council has made to the International Criminal Court.

Twelve years ago, the Council decided to refer this situation to the Court. The Court has started to do its part. This is something the Council requested the Court to do — examine a situation, investigate crimes that were committed and initiate proceedings. However, we are faced with a situation of a prolonged stalemate, which is not satisfactory and is linked to a lack of cooperation. This is not new for international criminal justice. Cooperation with the Court is essential. It is an obligation under resolution 1593 (2005); it is an obligation under the ICC Statute. Moreover, cooperation is a measure of commitment to the fight against impunity, and it can also be extended voluntarily, even when an obligation stricto sensu does not exist. It would be simply coherent with a demand for justice for international crimes that the Council has made and with the commitment of the Council to establish accountability for war crimes, crimes against humanity and genocide. There is no good reason why perpetrators of these offenses should not be brought to justice.

In this specific situation, however, the legal obligations are rather clear and derive from a resolution adopted by the Council under Chapter VII of the Charter of the United Nations. Fulfilment of this obligation is required for justice to be done. There can be differences as to the scope of this obligation and there can be discussion as to the modality and the mechanism for cooperation to occur, but specific processes must be set in place. The Council should find a way to engage with these issues and address differences, identify possible solutions and influence, and support the necessary political will.

If justice is to be able to play its preventive role, the accountability dimension must be fully integrated into our engagement strategy, including dialogue with

situation countries. If we allow perpetrators to believe that the crimes can continue to be committed with impunity, not only are we betraying justice as a principle, but at the more pragmatic level we are depriving ourselves of fundamental tools in preventing conflict and putting an end to the perpetration of atrocities.

I would also like to add that there is no doubt that justice requires a strong element of national ownership. States have the primary responsibility to ensure that justice is done for war crimes, crimes against humanity and genocide. There can be discussion on how to organize interaction between the international community and national authorities, but there is no doubt that domestic systems must be engaged in the process. That engagement requires political will and a shared commitment to ensuring justice for the victims of international crimes.

The security situation in Darfur has improved over the past year. The recent United Nations-African Union joint strategic review of the African Union-United Nations Hybrid Operation in Darfur (S/2017/437) clearly calls on the Council to update its deliberations on the matter. We have no doubt about the Sudan's political willingness to cooperate so as to prevent illicit flows, including human trafficking that connects Darfur to Libya, and to counter terrorism. Despite the remarkable improvement, the root causes of instability in Darfur still lie in persistent impunity, which can be seen in the violation of human rights, the serious humanitarian conditions of internally displaced persons and the moral wounds of the past that are still to be healed. As long as such impunity persists, peace in Darfur will remain fragile.

As far the Council is concerned, as we have stated a number of times, we need a stronger and broader collective engagement in international justice issues. The Council must find a way to be united in the fight against impunity. To do so, it should give itself more opportunities, particularly in formal settings, to discuss that issue and deepen its engagement with all actors involved, including the States concerned in the International Criminal Court.

Mr. Zhang Dianbin (China) (*spoke in Chinese*): China has listened to the briefing by Prosecutor Bensouda. Since last year, there has been marked improvement in the political and security situation in Darfur. The Sudanese Government has been actively dedicated to promoting the peace process and has worked hard to safeguard Darfur's stability and advance its reconstruction. China commends those efforts.

Political settlement is the only solution to the situation in Darfur. The international community should provide active support to the mediation efforts of the African Union High-level Implementation Panel, step up its assistance to the Sudanese Government, armed groups and opposition parties of the area in the implementation of the road map agreement, and urge the Sudan Liberation Army/Abdul Wahid to join the peace process without conditions so as to resolve their differences through dialogue, in pursuit of a lasting and peaceful solution to the situation in Darfur.

The international community should uphold an objective and fair position, respect the sovereignty, independence and territorial integrity of the Sudan and play a constructive role in the political settlement of the situation in Darfur. China's position on the handling of the situation in the Sudan by the International Criminal Court remains unchanged. China believes that the legitimate concerns of the African Union and the Sudanese Government on the Court's handling of the situation in the Sudan should be given adequate attention.

Mr. Zagaynov (Russian Federation) (*spoke in Russian*): We have read the twenty-fifth report of the Prosecutor of the International Criminal Court on the situation in Darfur and wish to comment on its assessment of some of the developments mentioned therein.

The report quite rightly notes that progress has been made in normalizing the situation in Darfur, including the Jebel Marra area. We welcome the announcement made by the Sudanese authorities concerning the extension of the unilateral ceasefire regime. It is important that the regime be more than mere paper — since early this year, we have had no report of armed clashes between the Sudanese army and the rebels. Thanks to the efforts of the authorities, the number of intercommunity clashes and the level of crime have declined. We are witnessing progress in the implementation of the Doha Document for Peace in Darfur, including in the demobilization and reintegration of former combatants. We are also seeing ongoing inter-Darfurian dialogue and consultations.

We also note the steps taken by the Sudanese Government to ensure humanitarian access to Darfur, in particular the development by the Sudanese authorities

of guidelines to streamline the process. We also see very positive developments in the resolution of issues faced by the African Union-United Nations Hybrid Operation in Darfur, such as the issuance of visas and customs clearance of assets for contingents. Against that background, however, the behaviour of some opposition groups in setting additional requirements to continue the negotiations offer a stark contrast. We believe that the external sponsors of the rebels should encourage them to be more constructive.

With regard to the investigation on Darfur, the nature and content of the report of the Office of the Prosecutor has been the same year after year. Once again, the Council is being asked to provide so-called follow-up on the situation in Darfur that we believe to be inappropriate. We do not understand why appeals to compel States parties to the Rome Statute to shoulder their responsibilities are made in the Council Chamber. In our view, if there is no unity among those States about how they should execute arrest warrants issued with respect to Darfur, that should be discussed within the system that governs the Rome Statute, that is, the Assembly of States Parties and its subsidiary bodies. Attempts to exert pressure through the Security Council on those who disagree are counterproductive.

On more than one occasion, we have called attention to the fact that the obligation to cooperate, as set forth in resolution 1593 (2005), does not mean that the norms of international law governing the immunity of the Government officials of those States not party the Rome Statute can be repealed, and presuming the contrary is unacceptable. However, once again, the Office of the Prosecutor does not wish to consider that.

As occurred recently with respect to the situation in Libya, the issue of drawing on resources from the United Nations budget has been raised. Everyone is well aware of our position on that subject so we will not repeat it.

In conclusion, we note that the activities of the Court are not conducive to attaining the goals of justice and sustainable peace held by the Security Council and the international community as a whole.

Ms. Schoulgin Nyoni (Sweden): I would like to join others in welcoming Prosecutor Bensouda back to the Security Council and in thanking her for her briefing and report.

The conflict in Darfur led to reports of genocide, war crimes and crimes against humanity. It was for that reason that, in 2005, the Council referred the situation in Darfur to the International Criminal Court (ICC). Impunity and the lack of accountability for violations of international humanitarian law and violations and abuses of international human rights law shall never be accepted.

Now, 12 years after the Council's referral, further steps still need to be taken by the Government of the Sudan to assure justice for all those who suffered the most horrendous crimes during the conflict in Darfur. The Security Council has an obligation to follow through on its decisions, in this case its unanimous decision to refer the situation in Darfur to the Court. Sweden fully supports the efforts of the Office of the Prosecutor, whose call for the full backing of the Council and Member States must be heeded. That includes through the provision of adequate resources.

It is well known that there have been tensions between the Court and some African States, including States parties, in recent years, and that the unanimous referrals by the Security Council of two situations to the Court may have added to those tensions. Sweden is encouraged by signs of a more positive relationship between some African States and the Court and welcomes the initiatives by the Office of the Prosecutor to continue its outreach regarding the function and jurisdiction of the Court. Apart from referrals from the Security Council, as we know, the Court only has jurisdiction where States have accepted it.

All suspects in the ICC investigations regarding Darfur remain at large.

We call on the Government of the Sudan to cooperate fully with the ICC in accordance with resolution 1593 (2005) and to fulfil its obligations to arrest the individuals subject to arrest warrants. Like many other States Parties to the Rome Statute, Sweden continues to raise the issue of non-cooperation with the Court with relevant Governments. The Court relies on States to fulfil its mandate. It is concerning that President Al-Bashir and others indicted by the Court are able to continue to travel internationally, including to States Parties to the Rome Statute. That sends a public message that the decisions of the Court can be ignored without any consequence which, in turn, undermines the authority of the Council.

In the light of that and, as proposed by several Council members at the briefing last December, Sweden shares the view that the Council should approach cases of non-cooperation in a structured manner and, as a minimum, discuss which tools are available to it, if any, for an appropriate response.

Turning to the current situation in Darfur, we welcome the overall reduction in fighting and the progress made in the peace process. At the same time, we are concerned by reports of incidents of renewed fighting and recurring reports of human rights violations and abuses, in particular, reports of sexual and gender-based violence. In order to address remaining challenges and to build a sustainable peace in Darfur we must address the root causes of instability, as well as ensure accountability and the rule of law.

Ms. Gasri (France) (*spoke in French*): I would like to thank the Prosecutor, Ms. Bensouda, for her report and for her briefing to the Council. We also renew our pledge of support for the Prosecutor, her teams and the International Criminal Court (ICC).

It has now been more than 12 years since the Security Council adopted resolution 1593 (2005). This decision had very clear objectives — to render justice to the victims of the most serious crimes, to prevent the recurrence of atrocities in Darfur, and to promote reconciliation and stability in the Sudan. Now, 12 years after the adoption of the resolution, we see once again that none of those objectives has been achieved and that impunity prevails. Only legal action will put an end to that situation. That is why France calls on all Member States, most notably the Sudan, to implement the arrest warrants issued by the International Criminal Court and to honour their remaining obligations under resolution 1593 (2005).

Without decisive Council action against impunity, instability will continue to prevail in Darfur and civilians will continue to be its primary victims. Admittedly, the Secretary-General's recent reports on the situation in Darfur have reported some encouraging developments on the ground, such as improving conditions in certain areas and unilateral declarations of cessation of hostilities. The access restrictions imposed by the Sudanese Government on the African Union-United Nations Hybrid Operation in Darfur (UNAMID) have also eased. However, as the Prosecutor pointed out in both her report and her briefing, civilians can be protected only if those changes are sustained. To that end, it is essential that the Sudanese authorities allow UNAMID to implement its mandate in accordance with the decisions of the Council and the Peace and Security Council of the African Union.

Moreover, sources of violence and instability persist and intercommunal violence remains one of the main sources of violence in Darfur. Due to the of the weak rule of law, banditry and crime continue. The resumption of fighting between Government forces and armed groups in May is indiscriminately affecting the population. Militias, including those incorporated into the Sudanese armed forces, such as the Rapid Support Forces, are carrying out intolerable attacks on civilians and sowing fear among the population. Their attacks force civilians to leave their villages and, too often, prevent them from returning home.

Let us not forget that today 2.7 million people of Darfur — almost one-third of the region's population — are still displaced. Ensuring their return requires putting an end to all forms of violence and addressing the root causes of the conflict. Breaking the spiral of violence requires holding accountable those who have fueled it. On the one hand, we owe it to the victims, but on the other, it is essential for moving forward.

France and its partners reaffirm the importance of the obligation of all United Nations Member States to cooperate with the Court, in accordance with the resolutions adopted by the Council. That obligation falls primarily to the Sudan, as it must enforce the arrest warrants issued against its nationals for acts committed within its territory and cooperate with the Court, as required by resolution 1593 (2005).

States parties to the Rome Statute also have a special role to play in honouring their statutory obligations to cooperate with the ICC and to execute arrest warrants for individuals found within their territory. In that respect, we regret that this obligation has not yet been kept by some of those States in recent months, and we are grateful to the Prosecutor for following up on that major issue.

In its bilateral relations with those countries, with the Sudan and with its European partners, France will continue to stress the importance it attaches to the fight against impunity and its support for the ICC, and to call on them to honour their international commitment to cooperating with the Court. In that regard, the Council's responsibility is clear. We must ensure effective

cooperation with the Court and, as the Prosecutor notes, take action in cases of non-cooperation with the Court.

We are determined to examine the working methods of the Council on the basis of the proposals made by New Zealand last December. In that spirit, France proposes that the States that the Court has deemed to be in breach of their obligations to cooperate should be called upon to answer to the Security Council. On the basis of that meeting, it would then be up to the Council to decide on next steps. In any case, there must be a follow-up. All United Nations Member States and international organizations must be mobilized. In that respect, we stress the importance of limiting contact with persons with outstanding arrest warrants to essential communication only.

Mr. Ciss (Senegal) (*spoke in French*): The delegation of Senegal is grateful to the Bolivian presidency for organizing this important meeting and thanks Ms. Bensouda, Prosecutor of the International Criminal Court, for her briefing on her report on the current state of the investigations and proceedings of her Office with regard to the Darfur issue, pursuant to resolution 1593 (2005). Senegal once again pledges its full support to Ms. Bensouda.

Nobody can deny the importance of combating impunity for serious crimes committed anywhere and, particularly in Africa. That combat requires the combined efforts of all stakeholders. Senegal recognizes the role of the International Criminal Court in that regard and understands the hope for justice that the Court represents for the millions of victims of heinous crimes. Indeed, the fight against impunity and the respect for the rule of law are fundamental principles in which we firmly believe and which are embodied in the Constitutive Act of the African Union. We are particularly attached to the recognition of the universality of human rights.

Senegal also believes that peace is our common aspiration. As such, seeking a peaceful solution to the situation in Darfur through dialogue, while simultaneously addressing its victims' demands for justice is certainly difficult, but necessary. While my country is commited to the principles of responsibility and justice, it remains convinced that lasting and comprehensive peace can only be achieved through dialogue and reconciliation. That is also the position of the African Union, which calls for the restoration of peace and justice in Darfur.

The report under consideration indicates continuous attacks on internally displaced persons within the country, including sexual and gender-based violence in Darfur camps. In that regard, I would point out that Senegal condemns, in the strongest terms, all forms of violence against civilians. We call on all parties to take the necessary steps so that the perpetrators of such acts are brought to justice. My country nevertheless welcomes the lifting of restrictions on movement in certain areas of Darfur, which, it must be said, makes it easier to carry out the mandate of the African Union-United Nations Hybrid Operation in Darfur in the region.

Moreover, it should be recalled that the Office of the Prosecutor is carrying out its mandate in a constrained budgetary environment, which has the effect of limiting investigative and prosecutorial activities. Senegal would therefore like to reiterate that it will continue to call and work for the Assembly of States Parties to provide the Office with the necessary resources to conduct its work. My delegation would also like to recall that it is up to the Security Council to ensure that the necessary United Nations contributions are provided to the Court in connection with cases the Council has referred to it.

The political and security situation in Darfur continues to pose a major challenge for the international community and to require greater effort from us all. In that regard, while recognizing that political dialogue, joint efforts by stakeholders and establishing security remain the only way to achieve lasting peace in Darfur, we must nevertheless bear in mind that the victims are impatiently awaiting justice, as they are the first to suffer from the prevailing instability. My delegation remains of the view that a spirit of dialogue and cooperation among the parties is both the way to resolve common problems and the best guarantee of a solution that addresses the need for peace and the demand for justice for Darfur.

Mr. Temenov (Kazakhstan): We would like to thank the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, for her briefing and for her efforts to uphold the international rule of law, justice and accountability.

Having reviewed the twenty-fifth report of the Office of the Prosecutor on the Court's recent work to implement resolution 1593 (2005), relating to Darfur, we are pleased to note the considerable progress made with regard to the security and humanitarian situation

in the country. We encourage that all efforts be made to maintain that positive trend, with determined steps to further reduce the tension between Government forces and armed groups. The fewer incidents of inter-communal clashes during the reporting period as compared to the previous year, as well as the decline in incidents of rape and sexual abuse, must continue so as to de-escalate and avert unrest.

Kazakhstan welcomes the fact that access to areas in Darfur has been significantly facilitated and expanded, including the ability of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) to visit areas in Jebel Marra. We encourage the Government of the Sudan to further continue its good cooperation with UNAMID in all areas, in the greater interests of the Sudanese people and to ensure progress and prosperity for them.

Kazakhstan is confident that inclusive dialogue is the only way towards a resolution of the Darfur crisis. In that regard, we support the inclusive political process under the leadership of the African Union (AU) High-level Implementation Panel. We encourage all efforts to fully implement the road map agreement by all parties. We therefore commend the unilateral ceasefire declared by the Government of the Sudan for an additional six months ending on 15 June. We express our hope that it will be extended further. The time ahead of us should be used to consolidate the gains.

My delegation believes that respecting the sovereignty, independence and territorial integrity of the Sudan, as well as the ownership and leadership by the Government of the political process, are crucial elements for long-term peace and reconciliation in Darfur. We need to support the Sudan's capability to restore and promote the rule of law, address impunity and protect human rights. The United Nations system and international partners, together with the country team, should make a concerted effort to help the Sudan to continue the progress that has been made, with a view to achieving international norms and obligations with regard to peace and security and sustainable development.

We commend the efforts of the AU and other regional organizations and neighbouring countries to resolve the crisis in Darfur. We welcome the fact that the African Union has established a ministerial committee to deal with the Sudan issue at the ICC. We believe that the position stated by the AU should be taken into consideration. In the light of that, we encourage that an effective ongoing dialogue take place between the ICC and the AU.

Finally, Kazakhstan stands ready to join in multilateral action to help the Government and the people of the Sudan to realize their national aspirations on all fronts.

The President (*spoke in Spanish*): I shall now make a statement and my capacity as the representative of the Plurinational State of Bolivia.

At the outset, Bolivia is grateful for the briefing by Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, in connection with her twenty-fifth report in compliance with resolution 1593 (2005). We listened carefully about the progress made in investigating alleged crimes and about the difficulties the Office of the Prosecutor has encountered with regard to investigations and legal activity, both of which are linked to situations that make it difficult to comply with the mandate entrusted to her.

Bolivia believes that those who have attacked civilians in Darfur, violating their human rights as well as international law, must account for it brought justice. That is important element in achieving stable and lasting after several years of conflict in the region.

While we express our support for the work of the International Criminal Court, we also recognize that some of the difficulties encountered by the Prosecutor's Office have brought to light legal conflicts, such as the one pertaining, on the one hand, to the privileges and immunities enjoyed by State officials under customary international law and, on the other, the provisions of article 27, paragraph 2, of the Rome Statute. Such difficulties could give rise to problems in States' carrying out cooperation tasks with the International Criminal Court. At the request of South Africa, the issue is currently the subject of consultations at The Hague between the Court and a working group of the Rome Statute Assembly of States Parties. We hope that and other consultations will facilitate both States' duties to cooperate with the Office of the Prosecutor as well as the Court's legal tasks. We also hope they will contribute to the international community's efforts to strengthen political processes, in this case when it comes to the Doha Document for Peace in Darfur.

It is also important to recall that when the Security Council referred the situation in Darfur

to the International Criminal Court — by way of resolution 1593 (2005) — it not only decided to activate the Court's jurisdiction to try individuals, it also encouraged the Court to support international cooperation to promote the rule of law, protect human rights and combat impunity, while also emphasizing non-judicial activities, such as promoting peace and reconciliation and strengthening institutions. We believe that cooperation with the African Union is essential in that regard. We are aware of its undeniable commitment to the fight against impunity, as set out in its Constitutive Act. We also recall that the African Union has established a ministerial committee to address issues pertaining to this case. In the same vein, we call for establishing a constructive dialogue between the African Union and the International Criminal Court in order to generate trust and facilitate work between both institutions.

We have seen positive developments taking place in the Sudan over recent months, including a significant decrease in clashes between the Government and rebel groups and an improvement in the Government's cooperation with the African Union-United Nations Hybrid Operation in Darfur (UNAMID). Both recent reports of the Secretary-General and the UNAMID strategic review, and even the Prosecutor's own report, recognize that progress. Bolivia believes that we have arrived at this point mainly thanks to the joint efforts of regional organizations, the Government, the Secretary-General and UNAMID.

It is important to highlight that the evolution and future of international criminal justice are closely linked to State cooperation and complementarity. The International Criminal Court is a complimentary tribunal to States' primary sovereign prerogative to administer justice on its territory. Therefore, in addition to ensuring timely and effective trials, they must establish local capacities. That is an indicator which, in the case of Darfur, should be considered with special attention after more than a decade of conflict.

In full respect for its obligations as a State party to the Rome Statute of the ICC, Bolivia supports efforts to achieve justice and combat impunity. We therefore call on all States that have not yet done so to ratify the Rome Statute so as to ensure its universal jurisdiction. In that regard, we believe that the value of the principle of the universality of international criminal justice is essential. The debate on impunity for perpetrators of crimes against humanity is undermined by the relative capacities of the International Criminal Court due to the non-ratification of the Rome Statute by certain parties. That weakens the effectiveness of its work. We cannot have a sincere dialogue so long as there are countries that insist on the full rigour of the law yet do not meet their own international obligations.

I now resume my functions as President of the Security Council.

I now give the floor to the representative of the Sudan.

Mr. Mohamed (Sudan) (*spoke in Arabic*): I congratulate you, Sir, on assuming the presidency of the Security Council for this month, and thank you for your outstanding work.

I also thank the members of the Council for their statements.

I have two brief comments to make. First of all, the decision to refer the situation in Darfur to the International Criminal Court (ICC) was not unanimous or reached by consensus. Secondly, concerning the question of whether genocide has taken place in Darfur, I have the following comments to make.

In late 2015, the General Assembly adopted resolution 69/323, commemorating the victims of genocide. In our statement on that occasion (see A/69/PV.103), and in support of designating the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of This Crime, we recalled all the international testimony that categorically refuted the assertion that any act of genocide had taken place in Darfur. In that statement, we also quoted the testimony of former United States Secretary of State Colin Powell; the former Secretary-General of the United Nations, Mr. Kofi Annan; the President of the African Union in 2004, former Nigerian President Olusegun Obasanjo; the European Union, the African Union and the League of Arab States; and Médecins Sans Frontières, which was awarded the Nobel Peace Prize in 1999 for its role in ending the 1994 genocide in Rwanda. Complementing all this testimony was the report of the International Commission of Inquiry on Darfur, which was submitted to the Council in early 2005, confirming that no genocide had taken place in Darfur.

The International Criminal Court (ICC) and its Prosecutor maintain their assaults and use of inappropriate language that we in the United Nations

and the other organs of international standing are not accustomed to hearing. In the absence of the necessary restraint on the part of the Council, the ICC Prosecutor continues to direct offensive language against His Excellency the President of the Sudan and the Security Council itself, the highest political authority of the United Nations, by using such expressions as "the failure of the Council" or "the loss of its credibility". Concerning the President of the Republic of the Sudan, the 2005 Transitional Constitution stipulates that the President of the Republic is the symbol of the country and its sovereignty. We do not accept any abuse from any quarter, let alone from this defective kangaroo court.

I draw the Council's attention to the statement made by the representative of the Russian Federation in the Security Council to the effect that the reports of the Prosecutor to the Council have started to resemble those submitted by monitoring bodies. I refer Council members to paragraphs 24 to 29 and 34 to 36 of the report, which illustrate the lack of knowledge on the part of the Prosecutor and her Office as to the presumed judicial nature of the Court. It may be appropriate here to recall the statement made by a former President of the Assembly of States Parties to the ICC concerning the ineffectiveness of the Prosecutor, to the effect that the Prosecutor was not even capable of putting together an indictment.

The sorry state of the ICC cannot be addressed except by ignoring it and allowing to collapse from within, which is indeed its inevitable fate. It is an honour for the Sudan to be the country to draw the greatest attention to the flaws in the statute of the ICC that will inevitably bring it into conflict with the irrefutable and imperative norms of international law, such as the principle of equality; the principle that international covenants and agreements are binding only on the parties; and the moral principle of *nullum crimen sine lege*, which stipulates that there is no crime without law.

The ICC, and especially its first Prosecutor and now the current Prosecutor, who is the former Deputy Prosecutor, have treated my country cavalierly and are now tasting the fruits of their overreach, confusion, relentlessness and politicization. Since the jurisdiction of the ICC covers individuals or citizens of States parties to its statute, it is sufficient for us to demonstrate that about 60 per cent of the world's people belong to States that recognize neither the authority nor the jurisdiction of the Court. These include China, Russia, the United States, Egypt, India, Pakistan and Indonesia, whose populations constitute no less than half of the inhabitants of planet, and perhaps more.

The incoherence of the report before the Council today is but the result of the earlier sin establishing a political organ called the ICC to discharge a judicial task — or, if you prefer, the creation of a judicial organ to carry out a political mission. It is no coincidence that the ICC focuses all its investigations and prosecutions on Africa, because it believes that Africa is an easier political mark than others. This disparity goes beyond the prosecutors and the judges; it affects the statute and the very idea of international criminal justice, which are concerned primarily with individuals. Thus, every time His Excellency the President of the Republic of the Sudan responds to an invitation from a State Member of the United Nations or a regional organization, the ICC finds itself in the same predicament. We seek a solid international legal system that invokes the Charter of the United Nations as its primary authority and accords it precedence in terms of commitment and implementation.

Here we are dealing with State commitments under the Charter of the United Nations and the immunity of Presidents and representatives of States, and with the commitments of States to international organizations such as the African Union and other political groups such as the League of Arab States, the Organization of Islamic Cooperation or the Non-Aligned Movement.

We can only conclude that the ICC has given rise to contradictions and conflicts in connection with two long-standing aspects of the international system. The first aspect involves the clashes and the conflicts that the ICC, by its very existence, tries to provoke between the various norms of international law. The second is the conflict it creates between the principles of justice and peace. What is astonishing here is that the person who wrote this report makes reference to the need to take into account the root causes of the conflict, without understanding that that means seeking to conclude a negotiated peace agreement, which is indeed what took place in Doha in July 2011.

Since 2002, it has become evident that failure in terms of implementation has completed a full cycle of failure, since the very beginning, when the ICC was founded. The result of implementation, 15 years after the entry into force of the Statute of the ICC, is sad and disappointing. How many cases have been ruled on by

the ICC? How much has been spent to date? What is the cost of one single trial, if we divide the budget of the ICC over 15 years by the number of trials that have been held? I defy the Prosecutor to answer those questions.

Also, supporters of the concept of the ICC have said that the ad hoc or temporary tribunals created by the Security Council lack the element of deterrence, while the ICC does not, as it is a permanent tribunal. The question here is, to what extent has the ICC succeeded in creating an appropriate level of deterrence for violations of human rights, the rule of law and human rights worldwide, and what is the capacity of the Security Council to ensure the equitable implementation of article 13 of the Statute? Does the Court operate on the basis of equality between all the States that have agreed to be parties to the Statute? Those are the difficult and important questions that the Court must answer, and they must be answered precisely.

We believe that it will be impossible for the ICC and its supporters to answer those questions. But what is important to us at this meeting is the fact that all those discrepancies and shortcomings can be covered up by the Prosecutor only by politicizing her work, inventing evidence or bribing witnesses.

The Office of the Prosecutor sidestepped its judicial and legal task as stipulated in the Statute of the Court and devoted the greater part of the report to elements that are against the Government of the Sudan. This deep desire to condemn the Government of the Sudan warrants only disdain and contempt, because the Prosecutor overlooked the principal task assigned to her.

To our surprise, and I think that most members of the Security Council were equally surprised, the report welcomes the extension of the mandate of the Panel of Experts created by the Security Council under resolution 2340 (2017). We were surprised also to see that the ICC has asked the Government of the Sudan to ensure continued and unfettered access to the various areas of Darfur, even though the report spoke about addressing the root causes of the conflict in Darfur, as if it were thinking of itself as the Security Council. The report states also that unless the root causes of the conflict are addressed, the situation in Darfur will remain unstable and unpredictable.

The catastrophe lies not only in the ineffectiveness of the Prosecutor and her Office; it goes beyond that, given the absence of honesty or any spirit of equity or justice, or even balance, in stating the facts. For a very long time, the Prosecutor and her Office have agreed to play a political role or the role of a monitoring mechanism. It would have been far worthier of them to indicate that resolution 2340 (2017), for the first time since 2005, the year in which the referral decision was taken, states that the situation is largely back to normal in all five states of Darfur, which are equivalent in area to that of France or Iraq, except for a very small part of one of the provinces of Darfur.

The report also avoids mentioning the explicit condemnation in resolution 2340 (2017) of armed movements that use civilian installations as shields, which poses a threat to civilians, especially internally displaced persons. It is the very same report that has never, ever failed to mention paragraph 28, saying that civilians are still in danger.

Finally, we would like to voice our appreciation to the Secretariat, which has distanced itself from the aims of the ICC, which sought to involve it so as to make the ICC appear to be part of the United Nations system when it is not. We wish also to commend the positions of those countries that did not fall for the instigation carried out by the Office of the Prosecutor, as well as the firm position of the Security Council in lending assistance aimed at definitely ending the conflict in Darfur, supporting a political settlement and rejecting the possibility of a protracted conflict. We are optimistic that together and with firm steps we will move towards attaining our common goal of security and peace.

The meeting rose at 4.50 p.m.

United Nations S/PV.7964

Security Council

Seventy-second year

Provisional

7964th meeting
Monday, 12 June 2017, 10 a.m.
New York

President:	Mr. Llorentty Solíz	(Bolivia (Plurinational State of))
Members:	China	Mr. Shen Bo
	Egypt	Mr. Aboulatta
	Ethiopia	Ms. Guadey
	France	Mr. Delattre
	Italy	Mr. Amendola
	Japan	Mr. Kawamura
	Kazakhstan	Mr. Sadykov
	Russian Federation	Mr. Safronkov
	Senegal	Mr. Ciss
	Sweden	Ms. Schoulgin Nyoni
	Ukraine	Mr. Yelchenko
	United Kingdom of Great Britain and Northern Ireland	Mr. Wilson
	United States of America	Ms. Sison
	Uruguay	Mrs. Carrión

Agenda

The situation in Libya

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

The President (*spoke in Spanish*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2017/490, which contains the text of a draft resolution submitted by the United Kingdom of Great Britain and Northern Ireland.

The Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Bolivia (Plurinational State of), China, Egypt, Ethiopia, France, Italy, Japan, Kazakhstan, Russian Federation, Senegal, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay

The President (*spoke in Spanish*): The draft resolution received 15 votes in favour. The draft resolution has been adopted unanimously as resolution 2357 (2017).

I shall now give the floor to those members of the Council who wish to make statements after the vote.

Mr. Wilson (United Kingdom): As we all know, Libya continues to suffer from political instability. A comprehensive political solution, along with development and capacity-building, is urgently needed to improve its stability. But in the meantime, illegal arms smuggling into Libya is fuelling and prolonging its internal conflict, and that instability affects both the region and others farther afield. As the author of resolution 2357 (2017), we are therefore pleased that the Council has remained united on the issue of renewing the measures we put in place last year for a further 12 months, in order to help stop illegal arms entering Libya by sea. It demonstrates that the international community is serious about improving Libya's security.

I also want to pay tribute to Operation Sophia of the European Union (EU). Over the past year, assets and personnel from EU member States have worked to deter those who wish to smuggle illegal arms into Libya, and Sophia is so far the only operation that has implemented such measures. Operation Sophia's efforts to deter and reduce the flow of arms into Libya have provided an important space for dialogue between the Government of National Accord and other Libyan actors. The recent clashes in Libya have only emphasized the importance of the international community's support for dialogue between Libyan stakeholders towards the political solution that is essential to achieving a more stable Libya. Today's resolution is an important part of that support.

Mr. Amendola (Italy): Italy welcomes the Security Council's unanimous adoption today of resolution 2357 (2017), which extends the legal framework in place for inspecting vessels suspected of violating the arms embargo on the high seas off the coast of Libya. In speaking with one voice today, the Council has once again highlighted its strong commitment to Libya's stability and security and has emphasized the importance of working together to protect Libya from the threat posed by a combination of terrorism and arms proliferation. The Mediterranean Sea, especially off the Libyan coast, has been the scene of multiple challenges in the form of human trafficking and the smuggling of weapons, oil and other related products. All such flows benefit from the country's volatile situation and have the potential to increase the intensity, duration and complexity of the crisis in Libya.

As we know, stabilizing Libya is the best way to tackle the problem. Italy is pursuing that strategic goal by supporting the Presidency Council and the institutional framework validated by the Libyan Political Agreement, and helping to broaden its base of support through wider reconciliation.

At the same time, no effort should be spared to enhance security in the Mediterranean Sea. In that respect, the European Union Military Operation in the Southern Central Mediterranean (EUNAVFOR MED) is providing an important tool for the international community in terms of information-gathering on situations in the most complex and unstable areas of the Mediterranean Sea. It plays a role as a security-

provider both for the neighbouring countries and for Europe. In addition to its core task, EUNAVFOR MED is playing a significant role in helping the important implementation of the arms embargo in Libya that the Security Council itself has set, acting as a deterrent against flows of weapons being transferred by sea.

Let me conclude by thanking the United Kingdom for its leadership in the negotiation of resolution 2357 (2017) and all Council members that engaged constructively on it, including during the helpful interactive dialogue held a few days ago by the Security Council with Commander Credendino and Deputy Secretary General for Common Security and Defence Policy Pedro Serrano.

Mr. Safronkov (Russian Federation) (*spoke in Russian*): We support the initiative to extend for a further year the special control regime on the high seas off the coast of Libya, established under resolution 2292 (2016), with the objective of ensuring respect for the Security Council's arms embargo. Those measures apply to flows both into Libya and out of Libya. Such special instruments can be useful, as the Libyan crisis remains a serious source of regional instability, accompanied by illicit trafficking in arms. We expect more effective inspection actions in that maritime area, which must take place with unswerving compliance for international law.

It is, unfortunately, difficult to refer to last year's outcomes as impressive. We underscore that international and regional efforts to reach a settlement in Libya must be forged on the basis of an understanding and assessment of the priority tasks necessary to unite the country and its Government institutions, including of course the structures of power. This applies to assistance in the military field, including in conducting training programmes. Libyans must feel that their international partners are not interested in creating new divisive lines such as those that in recent years have prevented Libya from re-establishing its statehood. Any policy in this field that is careless or disconnected from reality could lead to further mistakes.

We cherish the hope that the mediation role of the United Nations will lead to success. All activities of the world Organization should be underpinned by the principles of objectivity, impartiality and assistance to the Libyans in unifying their State and resolving Libya's current problems, first and foremost in the field of combating terrorism. It is quite clear that the United Nations work on Libya must be based on the consolidated support of foreign players, which in turn must act according to the same rules of the game.

Russia and Libya are linked by long-standing friendly relations, and we have always championed a unified, flourishing Libya. Our actions are guided by the objective of rapidly resolving the challenges facing today's Libya, which require joint regional and international efforts. We stand ready to participate in any such work.

Mr. Aboulatta (Egypt) (*spoke in Arabic*): Egypt welcomes the adoption of resolution 2357 (2017). In that regard, I wish to stress the following points.

First, the resolution that we have just adopted addresses only one of the many challenges facing Libya, namely, the interception and inspection of ships bearing illegal shipments of weapons. I note that the security challenges facing our brother country Libya go far beyond the issue of arms smuggling to extremist groups and terrorists. The international community in general, and the Security Council in particular, must therefore firmly counter the grave challenges facing Libya, given the fact that certain States of the region are funding those terrorist and extremist groups and facilitating the flow of foreign terrorist fighters to Libya and beyond to a wider geographical circle, including through the Mediterranean Sea.

Secondly, we must make further efforts to intercept and inspect vessels suspected of carrying weapons to and from Libya. We are confident that the volume of smuggled weapons is far greater than those which are intercepted or stopped. We have therefore called for a more determined and resolute implementation of the embargo.

Thirdly, we again ask the international community and the Security Council to lift the arms embargo imposed on the Libyan armed forces, which have shown that they are the cornerstone of Libya's defence against terrorism. The Security Council must therefore help the Libyan armed forces to fully assume their responsibilities to protect Libya and their neighbours and countries further afield.

In conclusion, I reiterate the need to reach a political solution to the Libyan crisis, including through the timely convening of a joint committee of the House of Representatives and the High State Council to agree the necessary consensus amendments

to the Libyan Political Agreement, and the formation of a Government of national unity that would represent all parties in Libya and enjoy the trust of Parliament.

Ms. Schoulgin Nyoni (Sweden): I would like to briefly echo colleagues in expressing support for the unanimous adoption of resolution 2357 (2017), which provides a legal framework for the implementation of the arms embargo on the high seas off the coast of Libya.

The continued proliferation and smuggling of weapons to and from Libya remain a serious threat to peace and security. They escalate the already volatile situation on the ground, fuel the threat of terrorism and contribute to the destabilization of Libya and the wider region. In addition, they risk undermining the only path to long-term peace and stability in Libya, namely, a Libyan-led, United Nations-supported political process based on an inclusive Libya Political Agreement.

Breeches of the weapons embargo and the military escalations are directly impacting the security of the civilian population. In fact, more civilians were killed or injured in May than in any other month this year, falling victim to, for instance, gunfire, airstrikes and explosive devices. All actors have a responsibility to ensure the protection of civilians in accordance with international humanitarian law.

As of today, the European Union Military Operation in the Southern Central Mediterranean (EUNAVFOR MED) Operation Sophia is the only actor implementing resolution 2292 (2016), now extended by resolution 2357 (2017). Through its concrete interventions and deterrent effect, it is contributing to the implementation of the arms embargo. In light of the challenges facing Libya, we welcome the renewal of Operation Sophia's mandate to continue its important work. We wish to thank the United Kingdom for its work on the renewal. By adopting resolution 2357 (2017), the Council has sent a unified message on its continued commitment to peace, security and stability in Libya.

Mr. Delattre (France) (*spoke in French*): France welcomes the unanimous adoption of resolution 2357 (2057), which extends for a year the authorization granted by the Security Council to effectively and efficiently implement the arms embargo on weapons headed for Libya by sea. I would like to thank the British penholder for its work and efforts.

The arms embargo on Libya is an absolute priority for France. Military offensives on the ground are a stumbling block to the inter-Libyan dialogue. Observance of the embargo by all States is more necessary than ever, as pointed out in the recently issued report of the Panel of Experts on Libya. Requests for exemptions must be made only by the Government of National Accord of Prime Minister Serraj.

Through the European Union Military Operation in the Southern Central the Mediterranean (EUNAVFOR MED) — Operation Sophia — the European Union is currently the only actor actively contributing to the implementation of the provisions under this resolution on the high seas off the coast of Libya. Its efforts are all the more important and useful in that they have not just provided a greater understanding of arms flows on the seas, to and from Libya, but also act as a major deterrent to such trafficking. It has also carried out many interdiction and inspections of vessels, leading to the successful seizure of weapons suspected of fuelling terrorist cells in eastern Libya. The extraordinary provisions put in place by the Council makes it possible for Operation Sophia to respond in a timely manner to interdict suspected vessels. France has been part of these European operations by continuously providing means to implement the arms embargo. We will continue to do so.

Whatever the results achieved, the threat posed by weapons headed to Libya nevertheless continues. It therefore requires ongoing effort by the international community — not just for the sake of security in that country and the region, but more generally for the sake of combating terrorism at the global level. As the conflict in Libya in recent weeks has been characterized by an unprecedented cycle of violence, it is more crucial than ever to support the efforts of the Presidency Council under Prime Minister Serraj aimed at stabilizing Libya, as well as to cooperate actively in fighting weapons trafficking.

We continue to reiterate that there is no military solution in Libya and to call on all parties to exercise restraint. We must encourage the efforts of Mr. Serraj to make the institutions provided for under the Skhirat Agreement more inclusive and effective, as well as to support the development of unified national security architecture under civilian control. Only a lasting political solution will usher in the return of stability in Libya.

We in the European Union are determined to continue the work done by EUNAVFOR MED. The

renewal of the authorization established under resolution 2292 (2016) is an important element in continuing to provide the necessary legitimacy and resources to act effectively and efficiently. We welcome the inclusion in today's resolution of an additional reporting modality by way of the Secretary-General's annual transmission of a report on the implantation of the resolution. The report will enhance the existing notification system under the relevant sanctions committee and will further strengthen the transparency of Operation Sophia vis-à-vis the Security Council, a development we welcome.

Mr. Shen Bo (China) (*spoke in Chinese*): China voted to in favour of resolution 2357 (2017), which the Security Council just adopted. China supports the international community in taking effective measures to implement the provisions of the Council's resolutions on the arms embargo against Libya, especially to cut off the channels and networks that terrorist organizations use to smuggle and acquire weapons. States should implement resolution 2357 (2017) as well as resolution 2292 (2016) in a comprehensive and accurate manner, strictly abide by the relevant principles of international law and respect the sovereignty and legitimate rights and interests of flag States. Measures taken by States should not infringe upon the exclusive jurisdiction of flag States over their ships.

Promoting a political solution to the Libyan issue is the only correct choice, and should be the focus of the efforts of all parties. The international community should support the good offices of the United Nations, step up efforts to promote dialogue and peace and push the Libyan parties to resolve their differences through dialogue and consultation, so as to find a solution acceptable to them all, restore national governance and achieve national reconciliation. That is also the fundamental way to resolve the problem of illegal arms trafficking.

The meeting rose at 10.25 a.m.